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1988

CORPORATION OF THE CITY
OF HAMILTON

PLANNING AND DEVELOPMENT
COMMITTEE

CA4 ON HBL A05
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1988

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THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

1988 January 07

URBAN MUNICIPAL
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GOVERNMENT DOCUMENTS

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1988 January 13th
2:00 o'clock p.m.
Room 233, City Hall

Susan K. Reeder.
Susan K. Reeder
Acting Secretary

AGENDA:

1. Minutes of the meeting held Wednesday, 1987 December 9th

DIRECTOR OF COMMUNITY DEVELOPMENT

2. (a) Proposed Budget and SChedule of Payments for 1988 - Downtown Promenade B.I.A.

   (b) Commercial Facade Loan Programme

DIRECTOR OF PROPERTY

3. Extension and Amendment to an Offer to Purchase - Lot 43, Plan M-227, Hamilton Industrial Park - Lancing Drive

COMMISSIONER OF ENGINEERING

4. Acceptance of Cash Payment in lieu of 5% Parkland Dedication - "Greenhill Gardens", Hamilton

PUBLIC MEETING - ZONING APPLICATION

5. 3:00 p.m. - 3:15 p.m. - Zoning Application 87-133 for property at 18 Rymal Road West

Coded separately as CA4ONHBLAOS 88 B72 (oversize)

Budget Review

(A) Comments of the Chief Administrative Officer and the City Treasurer

6.	2:30 p.m. - 3:00 p.m.	-	Building Department
7.	3:00 p.m. - 3:15 p.m.	-	Community Development Department
8.	3:15 p.m. - 3:30 p.m.	-	Hamilton Housing Company Ltd.
9.	3:30 p.m. - 3:45 p.m.	-	Committee of Adjustment
10.	3:45 p.m. - 4:30 p.m.	-	Planning Department

11. Other Business

12. Adjournment

Wednesday, 1987 December 9
2:00 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present:
Alderman D. Ross, Acting Chairman
Alderman J. Smith, Chairman
Mayor Robert M. Morrow
Alderman D. Agostino
Alderman B. Hinkley
Alderman D. Christopherson
Alderman W. McCulloch
Alderman H. Merling
Alderman T. Cooke

Also present:
Alderman J. Gallagher
Alderman R. Wheeler
Alderman G. Copps
Alderman M. Kiss
Alderman T. Murray
Mr. V. J. Abraham, Director of Local Planning
Mr. L. King, Building Department
Mr. K. Brenner, Engineering Department
Ms. M. Germann, Building Department
Mr. L. Harvey, Building Department
Mr. E. Kowalski, Director of Community Development
Mr. D. Vyce, Director of Property
Mr. R. Buckle, Property Department
Ms. J. McNeilly, Community Development Department
Mr. D. Godley, Planning Department
Mr. R. Karl, Traffic Department
Ms. V. Gruppe, Planning Department
Mrs. Susan K. Reeder, Acting Secretary

Planning and Development Tour

General comments were made by the members of the Committee on their recent Planning and Development tour of areas of the City which the Committee has been dealing with. It was agreed by the members that this was a very worthwhile outing and it was indicated that this should be done again perhaps every six months or every year.

Appeal - Arosa Properties - Cash Payment in Lieu of 5% Parkland Dedication

The Committee received a presentation from Mr. E. C. LaBerge, President, Arosa Properties Limited. Mr. LaBerge spoke to the Committee on his appeal on the cash payment in lieu of 5% dedication calculation for the Bayview Glen Estates - Phase 1.

The Committee was in receipt of a report from the Director of Property dated 1987 November 20 respecting the above-noted matter.

Mr. R. Buckle of the Property Department and Mr. D. Vyce, Director of Property addressed the Committee on their calculation process.

Following discussion on this matter, it was moved by Alderman McCulloch, seconded by Alderman Merling and carried that this matter be tabled to the 1988 January 27 meeting of the Committee.

Roof Leaders By-law

The Committee was in receipt of the by-law respecting roof leaders forwarded to them from the Engineering Department dated 1987 November 17.

Mr. Tony Battaglia, representative of the Hamilton and District Home Builders Association was in attendance. Mr. Battaglia addressed the Committee on his Association's concern with requiring that all roof leaders be connected to storm sewers. Mr. Battaglia distributed a written copy of his comments on this matter to the Committee.

Following considerable discussion on this matter, it was moved by Alderman Merling, seconded by Alderman McCulloch and carried to approve the Roof Leader By-law.

Minutes -
1987 November 11 (evening)
1987 November 24
1987 November 25

The Committee was in receipt of the minutes of their meeting held Wednesday, 1987 November 11 (evening session); Tuesday, 1987 November 24; Wednesday, 1987 November 25. The Committee agreed to approve and adopt these minutes.

Demolition Permit Application

The Committee was in receipt of a report from the Building Commissioner dated 1987 December 2 respecting a demolition permit application.

Moved by Alderman McCulloch, seconded by Alderman Cooke and carried to approve the following recommendation:

"That the Building Commissioner be authorized to issue a demolition permit for the demolition of the residential building at 8 Northcote.

NOTE: The above application is within the demolition control Category "A" - (proposed use of land is permitted by present zoning)

The present use is a single family dwelling in a "K/S-727" zone with a lot size of 22' x 100'. The proposed use is to be left vacant to be used in conjunction with a construction company yard. The owner is Canadian Engineering and Contracting Co. Ltd."

Proposed Budget and Schedule for Payments for 1988 - Concession Street Business Improvement Area

The Committee was in receipt of a report from the Director of Community Development dated 1987 December 2 respecting the proposed budget and schedule of payments for 1988 for the Concession Street Business Improvement Area.

Moved by Alderman Merling, seconded by Alderman Christopherson and carried to approve the following recommendation:

"(a) That in accordance with Schedule 'A', appended hereto and marked APPENDIX "A", the 1988 operating budget of the Concession Street Business Improvement Area be approved in the amount of sixteen thousand, four hundred dollars ($16 400);

(b) That the City Solicitor be hereby authorized and directed to prepare the requisite by-law pursuant to Section 217, the Municipal Act, R.S.O. 1980, to levy the 1988 budget as referenced in (a) above; and,

(c) That the Schedule of Payments for 1988 be as follows: 1988 March 01 - $8 000; 1988 July 01 - $5 000; 1988 August 01 - $3 400."

Proposed Budget and Schedule of Payments for 1988 - Jamesville Business Improvement Area

The Committee was in receipt of a report from the Director of Community Development dated 1987 December 2 respecting the proposed budget and schedule of payments for 1988 for the Jamesville Business Improvement Area.

Moved by Alderman McCulloch, seconded by Mayor Morrow and carried to approve the following recommendation:

"(a) That in accordance with Schedule 'A', appended hereto and marked APPENDIX "B", the 1988 operating budget of the Jamesville Business Improvement Area be approved in the amount of twenty five thousand dollars ($25 000); and,

(b) That the City Solicitor be hereby authorized and directed to prepare the requisite by-law pursuant to Section 217, the Municipal Act, R.S.O. 1980, to levy the 1988 budget as referenced in (a) above; and,

(c) That the Schedule of Payments for 1988 be as follows: 1988 February 01 - $12 500; 1988 August 01 - $12 500."

Proposed Budget and Schedule of Payments for 1988 - Westdale Village Business Improvement Area

The Committee was in receipt of a report from the Director of Community Development dated 1987 December 3 respecting the proposed budget and schedule of payments for 1988 for the Westdale Village Business Improvement Area.

Moved by Alderman Cooke, seconded by Alderman McCulloch and carried to approve the following recommendation:

"(a) That in accordance with Schedule 'A', appended hereto and marked APPENDIX "C", the 1988 operating budget of the Westdale Village Business Improvement Area be approved in the amount of fifteen thousand ($15 000) dollars; and,

(b) That the City Solicitor be hereby authorized and directed to prepare the requisite by-law pursuant to Section 217, the Municipal Act, R.S.O. 1980, to levy the 1988 budget as referenced in (a) above; and,

(c) That the Schedule of Payments for 1988 be as follows: 1988 February 01 - $5 000; 1988 April 01 - $5 000; 1988 July 01 - $5 000."

Applications - Ontario Home Renewal Programme (O.H.R.P.) and Hamilton Rehabilitation Programme (H.A.R.P.)

The Committee was in receipt of a report from the Director of Community Development dated 1987 December 2 respecting applications under Ontario Home Renewal Programme (O.H.R.P.) and Hamilton Rehabilitation Programme (H.A.R.P.)

Moved by Alderman McCulloch, seconded by Mayor Morrow and carried to approve the following recommendation:

"That the following applications under the Ontario Home Renewal Programme and the Hamilton Rehabilitation Programme respectively, be APPROVED; authorizing the Director of Community Development to process grants/loans in the amount not to exceed $7 500:

(a) Applications - Ontario Home Renewal Programme

(i) V. Authier
57 Carrick Avenue

(ii) C. Blair
1226 Cannon Street East

(iii) F. Jewell
56 Carmen Avenue

(b) Applications - Hamilton Rehabilitation Programme

(i) R. Borgschulze
576 Burlington Street East

NOTE: The actual amount of grant or loan to be determined by inspection of the property under the Property Standards By-law 74-74 and pursuant to Regulation 506 (R.R.O. 1980) under The Housing Development Act for the Ontario Home Renewal Programme (O.H.R.P.) and pursuant to By-law 78-113 for the Hamilton Rehabilitation Programme (H.A.R.P.)"

Application - Second Level Lodging Home Rehabilitation Programme

The Committee was in receipt of a report from the Director of Community Development dated 1987 December 2 respecting an application on the Second Level Lodging Home Rehabilitation Programme.

Moved by Alderman Cooke, seconded by Alderman Christopherson and carried to approve the following recommendation:

"That a rehabilitation loan application under the Second Level Lodging Home Rehabilitation Programme, in the amount of $38 510 be approved for Gwynette Seymour, owner of a Second Level Lodging Home at 60 West Avenue South.

NOTE: The loan is amortized over a ten-year period at three (3) percent interest and is secured by a Lien on Title."

Phase V, James Street North Streetscape and Addendum #1 to the James Street North Community Improvement Plan

The Committee was in receipt of a report from the Director of Community Development dated 1987 December 8 respecting Phase V; James Street North Streetscape and Addendum #1 to the James Street North Community Improvement Plan.

Moved by Alderman McCulloch, seconded by Mayor Morrow and carried to approve the following recommendation:

"(a) That Addendum #1 to the James Street North Community Improvement Plan, attached herewith and marked APPENDIX "D" be approved; and

(b) That the City Solicitor be authorized and directed to prepare the necessary By-law adopting Addendum #1 to the James Street North Community Improvement Plan; and

(c) That the Director of Community Development be authorized to submit Addendum #1 to the James Street North Community Improvement Plan to the Ministry of Municipal Affairs for approval."

Draft Plan of Condominium - north east corner of Upper Gage Avenue and Loconder Drive

The Committee was in receipt of a report from the Department of Engineering dated 1987 December 2 respecting draft plan of Condominium 25CDM-87009, north east corner of Upper Gage Avenue and Loconder Drive.

Alderman Ross indicated a conflict of interest in this matter as he works for the owner and abstained from any discussion on this matter. The Mayor then assumed the Chair for this item.

The Committee then approved the following recommendation:

"That a modified subdivision agreement be entered into by the Corporation of the City of Hamilton and the Owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to Condominium Application 25CDM-87009, (City file: SA-87-10), 568434 Ontario Inc. (W. Galdenzi, President) owners of the proposed draft plan of Condominium and the City execute the agreement when said conditions have been met.

NOTE: The agreement provides for the registration of a noise warning clause on title to advise prospective purchasers."

Appointments - Beach Implementation Committee

The Committee was in receipt of a report from the Planning and Development Committee dated 1987 November 30 respecting appointments for the Beach Implementation Committee.

Moved by Mayor Morrow, seconded by Alderman Cooke and carried:

(a) "That Alderman Agostino and Alderman Wheeler be appointed as the Ward 5 Aldermen to serve on the Beach Implementation Committee; and

(b) That Alderman Christopherson be appointed to the Beach Implementation Committee; and

(c) That the Hamilton Wentworth Conservation Authority be requested to re-appoint Alderman Copps as their representative on the Beach Implementation Committee."

Proposed Amendment No. 31 to the Niagara Escarpment Plan

The Committee was in receipt of a report from the Planning and Development Department dated 1987 November 24 respecting proposed Amendment No. 31 to the Niagara Escarpment Plan.

Moved by Alderman McCulloch, seconded by Alderman Hinkley and carried to approve the following recommendation:

"(a) That the Hamilton-Wentworth Council be advised that the City of Hamilton does not support proposed Amendment No. 31 to the Niagara Escarpment Plan.

(b) That the Report of the Planning and Development Department dated 1987 November 24, be forwarded to the Hamilton-Wentworth Council as background information.

(c) That a request be made to the Hamilton-Wentworth Council for the City of Hamilton to be involved if any approvals for development are considered.

NOTE: The Niagara Escarpment Commission has requested that comments on Cochren Construction's proposed amendment to the Niagara Escarpment Plan be sent to the Hamilton-Wentworth Region. The proposal involves a change from "Escarpment Natural Area" designation to "Urban Area" to permit residential development south of Greenhill Avenue. From the planning point of view the designation should remain part of the "Escarpment Natural Area" designation to preserve the escarpment in its natural state."

Proposed Plan for the Jerome Neighbourhood

The Committee was in receipt of a report from the Planning and Development Department dated 1987 November 26 respecting the proposed plan for the Jerome Neighbourhood.

Moved by Alderman Merling, seconded by Alderman Christopherson and carried:

"That the Planning and Development Committee approve a public meeting to discuss the proposed plan for the Jerome Neighbourhood.

NOTE: The construction of a trunk sewer in the vicinity of Stone Church Road and Upper James Street will enable the development of the adjacent land. A proposed plan for the Jerome Neighbourhood, when approved, will guide land uses and development in this area."

Creation of a "Small Business Centre"

The Committee was in receipt of a letter from the Chairman of the Business Land Use Advisory Board on the creation of a "Small Business Centre".

Moved by Alderman McCulloch, seconded by Alderman Merling and carried to approve the following recommendation:

> "That the City Clerk be authorized and directed to request on City Council's behalf that the Regional Economic Development and Planning Committee consider sites for a "small business centre" in an existing building in the central core of the City."

Symposium for Industrial Growth in the Hamilton-Wentworth Region

The Committee was in receipt of correspondence from the Chairman of the Business Land Use Advisory Board respecting the recently held Symposium for Industrial Growth in the Hamilton-Wentworth Region.

Moved by Alderman McCulloch, seconded by Alderman Merling and carried to approve the following recommendation:

> "(a) That the City Clerk be authorized and directed to advise the Region's Economic Development and Planning Committee that the Business Land Use Advisory Board endorses the twelve recommendations of the Symposium for Industrial Growth in the Hamilton-Wentworth Region with one amendment, attached hereto and marked APPENDIX "F"; and further
>
> (b) That the Region's Economic Development and Planning Committee be requested to take these recommendations under advisement, and give due consideration to their implementation."

Zoning Applications

At this point, the meeting moved to the City Hall Council Chambers for the purpose of hearing zoning applications.

Subdivision Application 87-25 for land fronting on the south side of Silverton Avenue and west side of Upper Ottawa Street

The Committee was in receipt of a report from the Planning and Development Department dated 1987 December 2 respecting Subdivision Application 87-25 for land fronting on the south side of Silverton Avenue and the west side of Upper Ottawa Street as well as Zoning Application 87-71 for land located between Upper Ottawa Street and Templemead Drive, south of Silverton Avenue.

The owner of the property at 14 Silverton Avenue appeared before the Committee in opposition to the proposal. He indicated that DiCienzo Construction is a very poor neighbour.

Mr. DiCienzo, applicant, spoke to the Committee and advised that he is not the owner of DiCienzo Construction Company. He indicated that he wanted to clarify his position in this matter.

Report of the circularization was given as follows:

52 notices sent 4 in favour 1 opposed

Moved by Alderman Smith, seconded by Alderman McCulloch and carried to approve the following recommendation:

> "(a) That APPROVAL be given to Subdivision Application 87-25, 712176 Ontario Ltd., c/o G. DiCienzo, owner, to establish a draft plan of subdivision fronting on the south side of Silverton Avenue and on the west side of Upper Ottawa Street, subject to the following conditions:

(i) That this approval apply to the plan prepared by E. Barich, O.L.S., dated June 15, 1987, revised to show 12 lots and one block for a road widening.

(ii) That the owner acquire from the City of Hamilton the lands of part 15 of Reference Plan 62R-6969.

(iii) That lots 11 and 12 not receive final approval prior to the extension of municipal services on Templemead Drive.

(iv) That the road widening (Block "13") be dedicated as a public highway on the final plan.

(v) That the owner dedicate to the Regional Municipality of Hamilton-Wentworth sufficient lands to establish the Upper Ottawa Street property line of 15.24 m (50 feet) from the centreline of the original Upper Ottawa Street road allowance.

(vi) That the final plan conform with the Zoning By-law approved under the Planning Act.

(vii) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.

(viii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

(ix) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.

(x) That the owner shall erect a sign in accordance with Section X of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

(xi) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton

(b) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-87-25), 712176 Ontario Limited, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

(c) That the Templemead Neighbourhood Plan be amended by changing the land use designation from "Low Density Apartments" to "Single and Double" Housing.

Zoning Application 87-71 - lands located between Upper Ottawa Street and Templemeand Drive, south of Silverton Avenue

That APPROVAL be given to Zoning Application 87-71, 712176 Ontario Ltd., G. DiCienzo, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the development of the subject lands for single family dwellings, for the lands located between Upper Ottawa Street and Templemead Drive, south of Silverton Avenue, as shown on the attached map marked as APPENDIX "G" on the following basis:

(a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

(b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law 6593 and Zoning District Map E-49D;

(c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(d) That the approved Templemead Neighbourhood Plan be amended by redesignating the subject lands from "Low Density Apartments" to "Single and Double" Housing.

NOTE: The purpose of this by-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for the lands located between Upper Ottawa Street and Templemead Drive, south of Silverton Avenue.

The effect of this by-law is to permit the development of the subject land for single family dwellings."

Zoning Application 87-83 - 270 Main Street West

The Committee was in receipt of a report from the Planning and Development Department dated 1987 November 24 respecting Zoning Application 87-83, for land at 270 Main Street West.

Report of the circularization was given as follows:

487 notices sent 37 in favour 4 opposed

Mr. Terry McCarthy, 43 Ray Street South, appeared before the Committee in opposition to the application. He indicated that parking is limited in the area already and that this proposal would just increase the parking problems that already exist.

The Committee was also in receipt of a letter from Mr. Barry Reid, 72 Ray Street South, in opposition to the application.

The applicant for the zoning application was not in attendance at the meeting.

It was then moved by Alderman Cooke, seconded by Alderman Merling and carried to table this application to future meeting of the Committee in order that the applicant can be in attendance at the meeting to speak on his proposal. It was also agreed that Mr. Terry McCarthy, 43 Ray Street South and Mr. Barry Reid, 72 Ray Street South, be notified when this matter is placed before the Committee again.

Subdivision Application 87-30 - land fronting on the north side of Rymal Road East and on the west side of Upper Gage Avenue

The Committee was in receipt of a report from the Planning and Development Department dated 1987 November 26 respecting Subdivision Application 87-30 for land fronting on the north side of Rymal Road East and on the west side of Upper Gage Avenue as well as Zoning Application 87-65, for property located at 829 Rymal Road East (in part), 837 Rymal Road East and 1606 Upper Gage Avenue. This matter had been tabled at the 1987 November 25 meeting of the Planning and Development Committee.

Mrs. Miller, 1574 Upper Gage Avenue, spoke to the Committee. She advised that they are not opposed to single family home development on the lands but they are opposed to an 8 storey high rise apartment. Mrs. Miller then presented a petition to the Committee signed by numerous people in the area.

Mr. Dennis Sheppard, 2 Rieta Place, spoke in opposition to the development of an apartment complex and indicated that there is limited schooling facilities available now and that the schools could not handle the additional influx that an apartment building would bring. He also added that there is a heavy traffic flow now at Upper Gage and that this would be increased with the proposed development. He indicated that young children are forced to wait for school buses at the corner of Upper Gage and Sinena Avenue.

Mr. Harold Johnson, 472 Eaglewood Drive, spoke in opposition to the application for an apartment building. He indicated that he sees this as being disruptive to the current residents.

Ms. Denise Stirrum, 1598 Upper Gage Avenue, spoke to the Committee in opposition to an apartment building. She advised that the area is single family homes of high priced cost and that apartment buildings will infringe on the privacy of these homeowners.

Mr. Ernest Spenuk, 820 Rymal Road East, appeared before the Committee in opposition to the apartment building. He indicated that the application has been changed and that Block 2 is now a different size. This difference was then clarified by the Planning Department. Mr. Spenuk then indicated he does not want to see the zoning changed from the Neighbourhood Plan.

Mr. Danny Maclean, 10 Livorno Court, spoke in opposition to the application for an apartment building. He advised that when he built his home, he checked the zoning and felt secure with the "Urban Protected Residential" zoning. He then questioned where this security has gone.

Mr. George Pierce, 465 Eaglewood, spoke to the Committee in opposition to the apartment building. He advised that he wants to see single family homes on that land.

A representative for the applicant spoke to the Committee and indicated that the Neighbourhood Plan calls for medium density use. He is aware of opposition to the apartment and asked to have a meeting of all concerned to resolve these difficulties.

Zoning Application 87-112 - property at 1610, 1614, 1620 and 1626 Upper Gage Avenue

The Committee also considered a report from the Planning and Development Department dated 1987 November 27 respecting Zoning Application 87-112 for property at 1610, 1614, 1620 and 1626 Upper Gage Avenue. This application and the previous subdivision application and zoning application consist of abutting lands.

Report of the circularization for Zoning Application 87-112 were reported as follows:

47 notices sent no responses received

Alderman Merling indicated that people have chosen to attend in person rather than send in the cards.

Mr. Clark Harnden, owner and prospective owner of the properties referred to in the zoning application, was in attendance at the meeting. He indicated that he has followed the advise of the Planning staff in asking for the zoning change in keeping with the Neighbourhood Plan.

Considerable discussion then ensued on these applications and it was moved by Alderman Merling, seconded by Alderman McCulloch and carried to approve Subdivision Application 87-30 as follows:

"(a) That **APPROVAL** be given to Subdivision Application 87-30, 456941 Ontario Limited, owner, to establish a draft plan of subdivision fronting on the north side of Rymal Road East and on the west side of Upper Gage Avenue, subject to the following conditions:

(i) That approval apply to the plan prepared by A. J. Clarke and Associates, dated August 17, 1987 revised to include a 3.048 m walkway between Rymal Road East and proposed Eaglewood Drive (Block "27"), 2 blocks for 0.3 m reserves (Blocks "28" and "29"), 2 road widening blocks (Blocks "23" and "24"), 2 blocks for development of multiple dwellings (Blocks "25" and "26"), 8 blocks for development in conjunction with adjoining lands and to re-lot and renumber the plan to now show 16 lots and 15 blocks.

(ii) That the plan not be registered until such time as road access is provided by the extension of Eaglewood Drive from Sinena Avenue to the northerly limit of the subject lands.

(iii) That the owner acquire sufficient lands to establish all roads to a width of 20 m.

(iv) That the road allowances and widenings (Blocks 23 and 24) be dedicated as public highways and the walkway be dedicated as a public walkway on the final plan.

(v) That the streets be named to the satisfaction of the City of Hamilton and Regional Municipality of Hamilton-Wentworth.

(vi) That the final plan conform with the Zoning By-law approved under the Planning Act.

(vii) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.

(viii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

(ix) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.

(x) That the dead-ends and open sides of the road allowances created by the plan be terminated in 0.3 m reserves to be conveyed to the City of Hamilton and be held by the City until required for the future extension of the road allowances or development of adjacent lands.

(xi) That Blocks "17" to "22" inclusive and Blocks "30" and "31" be developed only in conjunction with abutting lands.

(xii) That the owner shall erect a sign in accordance with Section X of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

(xiii) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

(b) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-87-30), 456941 Ontario Limited, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

(c) That the Eleanor Neighbourhood Plan be amended to adjust the boundaries between the residential designations and to relocate the walkway to comply with the approved draft plan."

It was then moved by Alderman Merling, seconded by Alderman Smith and carried to approve the zoning changes for Blocks 1 and 6 for single family homes and to table Blocks 2, 3, 4 and 5 which requested zoning for multiple dwellings. The purpose of the tabling is in order that all parties meet to discuss this development.

The Director of Local Planning was then requested to provide the appropriate resolution respecting the above directions for City Council's approval.

Zoning Application 87-112 - 1610, 1614, 1620 and 1626 Upper Gage Avenue

It was then moved by Alderman Merling, seconded by Alderman Hinkley and carried with respect to Zoning Application 87-112 for property at 1610, 1614, 1620 and 1626 Upper Gage Avenue to approve Block 1 for single family development and to table Blocks 2 and 3 which requested zoning changes for multiple dwellings. The purpose of the tabling motion is to allow for discussion between all parties on the development of these lands.

The Director of Local Planning was then directed to prepare the appropriate resolution respecting the above directions for City Council's approval.

Zoning Application 87-100 - 1067 King Street West

The Committee was in receipt of a report from the Planning and Development Department dated 1987 November 23 respecting Zoning Application 87-100 for land at 1067 King Street West.

Report of the circularization was given as follows:

233 notices sent 17 in favour 36 opposed

The Committee was in receipt of a letter of opposition to the application from Zelda Rock, 44 Cline Avenue North.

The Committee was also in receipt of a petition signed by numerous residents in the area who are opposed to this application.

Mr. John Hood, 1104 King Street West, appeared before the Committee in opposition to this application. Mr. Hood provided an additional petition to the Committee of persons who are opposed to this application.

Mrs. Waters, 124 Barclay Street, spoke in opposition to the application.

Ms. Heather Steigvilas, 1071 King Street West, spoke in opposition to the application. She indicated that the proposal is an intrusion to the neighbourhood and fears that approval of this application would set a precedence in bringing commercial development into this residential area.

Mr. Charlie Cicero, 1070 King Street West, spoke to the Committee. He advised that he purchased his home in the early 1980's and that it is difficult to move into the area due to the demand for housing. He fears that residences converting to commercial will be reducing the stock of housing further in West Hamilton. Mr. Cicero further added that student housing from McMaster is causing a problem to the Westdale Neighbourhood. He added that there are traffic problems at King and Stirling Streets now, i.e. traffic turning right to go to McMaster University. He fears that cars turning left to the proposed establishment will be a risk to children. Mr. Cicero further added that he sees two areas of concern and would like the City to address them: (a) increase safety in Westdale for pedestrian traffic and (b) ensure that absentee landlords are not allowed for the homes in the Westdale area.

Mrs. Elizabeth Orr, 1098 King Street West, spoke to the Committee. She advised that she is a granddaugher of George R. Allen for whom the local school is named. She added that her home has housed 3 generations of her family and that she likes the small residential area. She added that she would like to see it remain so.

Mr. John Scoffield, 56 Stirling Street, spoke to the Committee. He indicated that he is a grade 10 student at Westdale School and that he is opposed to any further commercial development in his residential area.

Mr. James Orme, Solicitor for the applicants, spoke to the Committee. Mr. Orme distributed a presentation to the members of the Committee on the reasonings for approving this application. He indicated that he feels that the concerns of the neighbours are primarily at the student influx in the area and that this area is a dynamic commercial area for businesses.

Mr. Don Logan, Planning Consultant, spoke to the Committee on the applicant's behalf. Mr. Logan presented a draft site plan as well as reasonings for approving the application.

Mr. Orme, spoke to the Committee again, on the credentials of his client.

Following considerable discussion on this matter by the Committee, it was moved by Alderman Cooke, seconded by Alderman Smith and carried to deny this application as follows:

"That Zoning Application 87-100, Silvana Lopez, owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District for property located at No. 1067 King Street West as shown on the attached map marked as APPENDIX "J" be DENIED for the following reasons:

(a) It represents an intrusion of commercial development into an established residential area in that the subject property is adjoined by single-family residential development to the south and west, and is located opposite single family development on the north side of King Street West.

(b) Conversion of the single-family dwelling to commercial would be incompatible in the area to the west of Newton Avenue/Sterling Street and would establish an undesirable precedent and set the stage for future similar applications along both sides of King Street West to further expand the strip commercial area.

(c) There is an adequate supply of commercially zoned lands in the Westdale Village area to accommodate the proposal without the need to rezone additional lands."

Zoning Application 87-113 - 1053 Main Street West

The Committee was in receipt of a report from the Planning and Development Department dated 1987 November 25 respecting Zoning Application 87-113 for property located 1053 Main Street West.

Report of the circularization was given as follows:

411 notices sent 13 in favour 2 opposed

It was moved by Alderman Cooke, seconded by Alderman McCulloch and carried to approve the following recommendation:

"That APPROVAL be given to Zoning Application 87-113, Conire Enterprises Ltd. (E. R. Madronich), owner, requesting a further modification to the "HH" (Restricted Community Shopping and Commercial, etc.) District regulations to permit the existing commercial school (Johnson's Business Academy) to continue operating within the building for the property located at No. 1053 Main Street West as shown on the attached map marked as APPENDIX "K" on the following basis:

(a) That the "HH" (Restricted Community Shopping and Commercial, etc.) District regulations as contained in Section 14A of Zoning By-law No. 5493, as amended by By-law No. 84-234, applicable to the subject lands, be further modified to include the following variance as a special requirement:

(i) That the following additional commercial use shall be added to Section 2(a)(i) of By-law No. 84-234;

1) 4. Commercial School

(b) That the amending By-law be added to Section 19B of the Zoning By-law No. 6593 as Schedule S-886a, and that the subject lands on Zoning District Maps W-33 and W-34 be notated S-886a;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-33 and W-34;

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this By-law is to provide for a further modification to the "HH" (Restricted Community Shopping and Commercial, etc.) District for the property located at No. 1053 Main Street West.

The effect of the By-law is to permit the existing commercial school (Johnson's Business Academy) to continue operating within the building."

Zoning Application 87-116 - 2794, 2796, 2800 Barton Street East

The Committee was in receipt of a report from the Planning and Development Department dated 1987 November 26 respecting Zoning Application 87-116 for property at 2794, 2796 and 2800 Barton Street East.

Report of the circularization was given as follows:

411 notices sent 13 in favour 2 opposed

The Committee then approved the following recommendation:

"That APPROVAL be given to Zoning Application 87-116, 690372 Ontario Ltd. (C. Tubic, owner and prospective owner, requesting a change in zoning from "L-c" (Planned Development - Commercial) District to "HH" (Restricted Community Shopping and Commercial, etc.) District to permit the development of the subject lands for a Harvey's restaurant for the properties located at Nos. 2794, 2796, and 2800 Barton Street East as shown on the attached map marked as APPENDIX "L" on the following basis:

(a) That the lands be rezoned from "L-c" (Planned Development - Commercial) District to "HH" (Restricted Community Shopping and Commercial, etc.) District.

(b) That the "HH" (Restricted Community Shopping and Commercial, etc.) District regulations as contained in Section 14A of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variance as a special requirement.

(i) That notwithstanding Section 14A(3)(b), a minimum side yard of 3.9 m shall be permitted.

(c) That notwithstanding Section 18.(A)(iv) an accessory structure shall be permitted in a side yard.

(d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1060, and that the subject lands on Zoning District Map E-123 be notated S-1060;

(e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-123;

(f) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this By-law is to provide for a change in zoning from "L-c" (Planned Development - Commercial) District to "HH" (Restricted Community Shopping and Commercial, etc.) District for the properties located at Nos. 2794, 2796 and 2800 Barton Street East.

The effect of the By-law is to permit the development of the subject lands for a Harvey's Restaurant.

In addition, the By-law provides for the following variances:

(a) to permit a 3.9 m side yard instead of the legally required 6.0 m (Section 14A(3)(b)).

(b) to permit an accessory structure in a side yard instead of the legally permitted rear yard location (Section 18.(A)(iv))."

Zoning Application 87-80 - north side of Rymal Road East between Upper Wellington Street and Upper Wentworth Street

The Committee was in receipt of a report from the Planning and Development Department dated 1987 October 21 respecting Zoning Application 87-80 for property on the north side of Rymal Road East between Upper Wellington Street and Upper Wentworth Street.

This matter was referred back by City Council at its meeting held Tuesday, 1987 November 24.

Mr. Knight, 371 Rymal Road East, spoke to the Committee on behalf of himself and his neighbours. He indicated that they are not opposed to the application but that they want the proposed northerly road to be moved south to abut of the rear the properties of himself and his neighbour in order to allow for future development of their rear lands.

Mr. DiSilvestri, representing the applicants, spoke to the Committee and agreed that they would be in favour of moving the road to allow access for the development of these properties.

The Committee then approved the following recommendation:

"(a) That **APPROVAL** be given to an amended Zoning Application 87-80, 428680 Ontario Ltd. (Herbert Schreiber), owner, requesting changes in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District and "RT-20" (Townhouse - Maisonette) District, to permit the development of the subject lands for a single-family dwellings and townhouses for the property located on the north side of Rymal Road East between Upper Wellington Street and Upper Wentworth Street as shown on the attached map marked as **APPENDIX "M"** on the following basis:

(i) That the lands shown as Blocks "1" and "2" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

(ii) That the lands shown as Block "3" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District.

(iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18D;

(iv) That the approved Barnstown Neighbourhood Plan be amended by redesignating Block "3" from "Residential - Single and Double" to "Residential - Attached Housing".

(v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(b) That at the time of Subdivision approval, that the proposed road to the north of the properties known municipally as Nos. 371 and 379 Rymal Road East located adjacent to the northerly property line of thes properties in order to permit development of these rear lands.

(c) That the Planning and Development Department be requested to initiate a separate zoning amendment to rezone a remnant parcel of land from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to create uniform zoning across the rear of the lands fronting on Upper Wellington Street between Rymal Road East and Stone Church Road East, as shown on the attached map marked as APPENDIX "N" and that the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18D.

NOTE: The purpose of the By-law is to provide for changes in zoning for the property located on the north side of Rymal Road East between Upper Wellington Street and Upper Wentworth Street on the following basis:

Blocks "1" and "2" - Change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,

Block "3" - Change in Zoning from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District.

The effect of the By-law is to permit the development of the subject lands for single-family dwellings (Blocks "1" and "2") and townhouses (Block "3")."

Durand Neighbourhod Plan 1987 Update

The Committee was in receipt of a report from the Planning and Development Department dated 1987 December 3 respecting the Durand Neighbourhood Plan - 1987 Update.

Mr. Mike Hanwick, owner of the apartment building at 150 Bay Street South, spoke to the Committee. He indicated that he sees a need for more apartment buildings in the area and feels that the old homes in the area are being preserved but are becoming lodging homes and attracting undesirable tenants. He also added that he sees a need for parking in the area and fewer halfway houses. He supports the high rises instead of preserving the old homes.

It was then moved by Alderman McCulloch, seconded by Alderman Cooke and carried to approve the following recommendation:

"That the Proposed Durand Neighbourhood Plan - 1987 Update, which represents a major update of the original neighbourhood plan prepared in 1973, be APPROVED.

NOTE: The Durand Neighbourhood Plan has been reviewed and updated to provide a comprehensive and current policy framework to guide development in Durand. The original neighbourhood plan which was approved in 1973 required updating and modification to reflect recent trends such as redevelopment pressures in the area, and emphasis on issues such as urban design and heritage preservation. The revised plan includes greater detail to provide a basis for the evaluation of development proposals and to guide future actions and studies to address current issues in the neighbourhood."

Adjournment

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN D. ROSS, ACTING CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder, Acting Secretary
1987 December 9

Typed by M. J. Walton

2a.

FOR ACTION

FROM Mr. E. W. Kowalski, Director
Community Development

DATE 1988 January 06

TO Planning and Development Committee

Refer To File No. 800-0014.2

Attention Of

Your File No.

SUBJECT

Downtown Promenade Business Improvement Area; Proposed Budget and Schedule of Payments 1988.

RECOMMENDATION

i) That, in accordance with Schedule 'A', appended hereto, the 1988 operating budget of the Downtown Promenade B.I.A. be approved in the amount of one hundred and ninety-eight thousand, three hundred and sixty-three dollars ($198,363.); and,

ii) that, the City Solicitor be hereby authorized and directed to prepare the requisite by-law pursuant to Section 217, the Municipal Act, R.S.O. 1980, to levy the 1988 budget as referenced in (i) above; and,

iii) that, the Schedule of Payments for 1988, of sixteen thousand five hundred and thirty dollars and twenty-five cents ($16,530.25) per month, with 1987's arrears subtracted from January's and February's installments, be approved.

E. Kowalski

BACKGROUND:

At a Board of Management meeting held 1987 December 22, the Downtown Promenade B.I.A. Budget for 1988 in the amount of one hundred and ninety-eight thousand, three hundred and sixty-three dollars ($198,363.) of which ten percent (10%) has been set aside for uncollectible levies, was adopted. A general membership meeting to present the 1988 budget will be held 1988 January 26.

c.c. Mr. K. Rouff, City Solicitor

c.c. Mr. D. Goodman, Assistant Supervisor - Business Tax

Attach.

SCHEDULE 'A'

DOWN TOWN PROMENADE
GORE PARK
Downtown Hamilton Business Improvement Area.
P.O. Box 1023, Station A, Hamilton, Ontario L8N 3R4 Telephone (416) 523-1646

January 5, 1987

Ed Kowalski
Director
Community Development Department
City of Hamilton
City Hall
71 Main Street West,
Hamilton, Ontario,
L8N 3T4

RE: 1988 Downtown Hamilton BIA budget.

Dear Ed,

As we discussed the following outlines the projected 1988 budget for our BIA.

Budget summary:	1988
Estimated revenue from members	140,625
Expansion revenues anticipated:	
CIBC building/tenants	24,203
4 Hughson Street	11,670
Robinson building/tenants	15,895
Royal Bank bldg/tenants	5,970
Total gross revenues:	198,363
Less amount for arrears/adjustments:	19,837
Total working capital:	178,526

Budget/category:		
Reserve	19,836	10%
Salaries/expenses	42,000	21%
Admin & membership services	14,990	8%
Special programs	89,537	45%
Media	32,000	16%
Total:	198,363	100%

2b.

FOR ACTION

FROM E. W. Kowalski, Director
Department of Community Development

DATE 1988 January 06

TO Planning and Development Committee

Refer To File No. FACADE #27

Attention Of _____

Your File No. _____

SUBJECT

Commercial Facade Loan Programme

RECOMMENDATION

That a Commercial Facade Loan in the amount of $18,900. be approved for Mr. Mark Maltman of 7 & 11 Mary Street. The interest rate will be 4.5 percent, amortized over 10 years.

E. Kowalski

BACKGROUND

The owner of 7 & 11 Mary Street has applied for assistance under the City of Hamilton's Commercial Facade Loan Programme. As per the terms of the Programme, the Building Department has inspected the property as per the Property Standards By-law 74-74, and the necessary repairs have been included in the contract price.

The Downtown Promenade B.I.A. have reviewed the plans and have approved the work which is to be undertaken by the owner, Mark Maltman. L.A.C.A.C. have also given their approval.

The Department of Community Development, therefore, recommends the approval of a Commercial Facade Loan to Mr. Maltman for improvements to 7 & 11 Mary Street in the amount of $18,900. The loan will be amortized over a ten-year period at 4.5 percent interest. The monthly payments will be $195.91, and will be secured by a Promissory Note and a lien registered on title.

3.

FOR ACTION

FROM D.W.Vyce,Director of Property **DATE** December 14, 1987

TO PLANNING & DEVELOPMENT COMMITTEE **Refer To File No.** (4505)

Attention Of _____

Your File No. _____

SUBJECT

**Lot 43, Plan M-227, Hamilton Industrial Park -
Lancing Drive to Elio and Maria Angela Pietrantoni**

RECOMMENDATION

1. That the Offer to Purchase the lands of the Corporation of the City of Hamilton known as Lot 43, Plan M-227, Hamilton Industrial Park No.1, located on Lancing Drive, duly executed on November 2, 1987 by the Purchasers, Elio Pietrantoni and Maria Angela Pietrantoni, as approved by City Council on November 24, 1987, 16th Report of the Planning and Development Committee, Item #4, be amended by reducing the minimum required building from 12,000 square feet to 6,000 square feet (Paragraph 6.3.1).

2. That the closing date be extended from January 26, 1988 to February 25, 1988.

3. All other terms and conditions of the Offer to Purchase to remain the same, and time continues to be of the essence.

BACKGROUND

This department has received a request from Mr. Philip Castrodale, solicitor on behalf of his clients, Mr. and Mrs. Pietrantoni, as to the possibility of reducing the minimum building requirements from 12,000 square feet to a 6,000 square foot building.

There are two reasons for this request, one being the actual physical frontage of Lot 43 is 108 feet as opposed to 197.53 feet as indicated on the survey, which greatly reduces the access points to a larger building development and therefore the lots cannot be utilized to its fullest. Secondly, when Mr. Pietrantoni received quotes for building construction costs of a 12,000 square foot building, he found that he was not in a financial position to develop this size of structure.

In view of the above information, this department is supporting the recommendation.

c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
- Mr. M. Chidley, Regional Surveyor

I.D. #0043D(38)

4.

F O R A C T I O N

FROM Department of Engineering DATE December 7, 1987

TO Planning & Development Committee Refer to File No. S707-60

Attention Of K. A. Brenner

Your File No. _____

SUBJECT

"GREENHILL GARDENS", Hamilton
(Cash payment in lieu of 5% Parkland Dedication)

RECOMMENDATION

The Corporation of the City of Hamilton accept the sum of $49,400.00 as cash payment in lieu of 5% dedication in connection with "GREENHILL GARDENS - PHASE 3", Hamilton, this being the cash requirement under Section 50 of the Planning Act.

J. R. G. Leach
Commissioner of Engineering

BACKGROUND

The owners of the lands for the above referenced subdivision will be executing a Subdivision Agreement with the City of Hamilton in the near future. A copy of the Final Survey Plan is attached for your information.

In accordance with normal City procedure, the City and Regional Staff have completed calculations for the 5% cash payment in lieu of Parkland dedication. The sum to be included in the Subdivision Agreement has been calculated to be $49,400.00.

NOTE: These lands are located south of King Street East and west of Greenhill Avenue in the Gershome Neighbourhood, Hamilton.

CAU:mm

c.c. D. Consoli, City Treasury Department
c.c. P. Shen, City Solicitor's Department

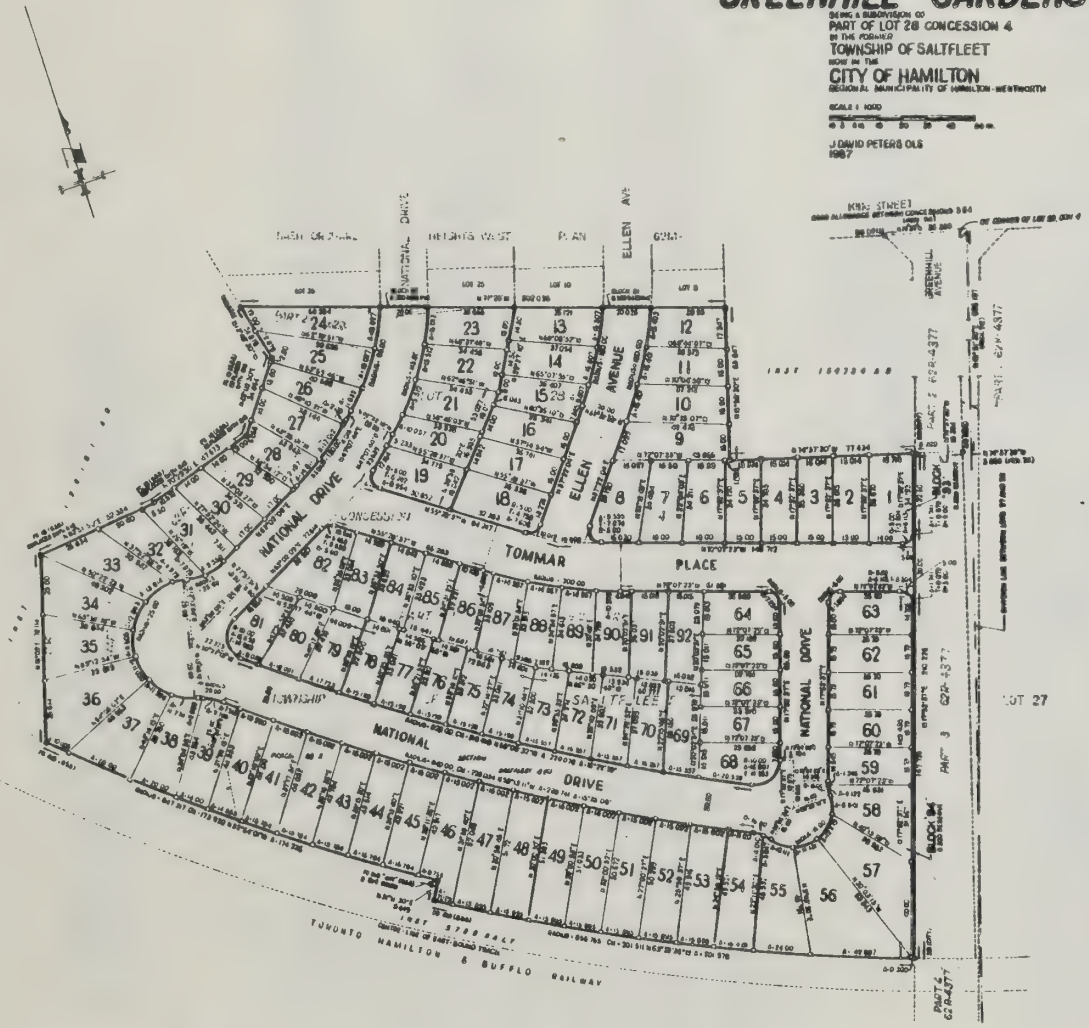
PLAN OF

GREENHILL GARDENS PHASE 3

BEING A SUBDIVISION OF
PART OF LOT 28 CONCESSION 4
IN THE FORMER
TOWNSHIP OF SALTFLEET
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH

SCALE 1:1000

J DAVID PETERS OLS
1987



METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

CURVE DATA

LOT	ARC	CHORD	CH BEARING	RADIUS	Δ
1	6.143	6.139	N 79°51'07"E	8.00	109° 09' 50"
2	5.866	5.865	N 11°27' 59"W	6.00	100° 09' 01"
10	8.604	8.598	N 24°48' 28"E	160.00	3° 05' 01"
11	"	"	N 28° 39' 18"E	"	"
12	10.002	10.002	N 28° 39' 18"E	8.00	71° 38' 36"
13	10.007	10.000	N 79°02' 28"E	160.00	3° 35' 00"
14	"	"	N 82° 49' 18"E	"	"
15	8.807	8.805	N 82° 49' 18"E	8.00	63° 04' 35"
16	7.008	6.883	N 49° 46' 43"E	5.00	89° 09' 19"
17	8.865	8.691	N 4° 20' 26"W	"	101° 38' 31"
20	10.037	10.034	N 64°47' 42"E	118.00	5° 03' 03"
21	9.972	9.955	N 59° 13' 39"E	"	7° 48' 47"
22	"	"	N 51° 27' 01"E	"	"
23	10.000	10.000	N 43° 40' 23"E	8.00	71° 38' 36"
24	10.007	10.000	N 79°02' 28"E	160.00	3° 35' 00"
25	"	"	N 82° 49' 18"E	"	"
26	8.807	8.805	N 82° 49' 18"E	8.00	63° 04' 35"
27	7.008	6.883	N 49° 46' 43"E	5.00	89° 09' 19"
28	8.865	8.691	N 4° 20' 26"W	"	101° 38' 31"
29	10.037	10.034	N 64°47' 42"E	118.00	5° 03' 03"
30	9.972	9.955	N 59° 13' 39"E	"	7° 48' 47"
31	9.958	9.500	N 51° 27' 01"E	28.00	20° 22' 30"
32	8.778	8.761	N 39° 56' 16"E	"	17° 57' 45"
33	8.363	8.363	N 77°29' 56"E	"	17° 06' 41"
34	10.002	10.002	N 28° 39' 18"E	8.00	71° 38' 36"
35	10.007	10.000	N 79°02' 28"E	160.00	3° 35' 00"
36	8.807	8.805	N 82° 49' 18"E	8.00	63° 04' 35"
37	7.008	6.883	N 49° 46' 43"E	5.00	89° 09' 19"
38	8.865	8.691	N 4° 20' 26"W	"	101° 38' 31"
39	10.037	10.034	N 64°47' 42"E	118.00	5° 03' 03"
40	9.972	9.955	N 59° 13' 39"E	"	7° 48' 47"
41	9.958	9.500	N 51° 27' 01"E	28.00	20° 22' 30"
42	8.778	8.761	N 39° 56' 16"E	"	17° 57' 45"
43	8.363	8.363	N 77°29' 56"E	"	17° 06' 41"
44	10.002	10.002	N 28° 39' 18"E	8.00	71° 38' 36"
45	10.007	10.000	N 79°02' 28"E	160.00	3° 35' 00"
46	8.807	8.805	N 82° 49' 18"E	8.00	63° 04' 35"
47	7.008	6.883	N 49° 46' 43"E	5.00	89° 09' 19"
48	8.865	8.691	N 4° 20' 26"W	"	101° 38' 31"
49	10.037	10.034	N 64°47' 42"E	118.00	5° 03' 03"
50	9.972	9.955	N 59° 13' 39"E	"	7° 48' 47"
51	9.958	9.500	N 51° 27' 01"E	28.00	20° 22' 30"
52	8.778	8.761	N 39° 56' 16"E	"	17° 57' 45"
53	8.363	8.363	N 77°29' 56"E	"	17° 06' 41"
54	10.002	10.002	N 28° 39' 18"E	8.00	71° 38' 36"
55	10.007	10.000	N 79°02' 28"E	160.00	3° 35' 00"
56	8.807	8.805	N 82° 49' 18"E	8.00	63° 04' 35"
57	7.008	6.883	N 49° 46' 43"E	5.00	89° 09' 19"
58	8.865	8.691	N 4° 20' 26"W	"	101° 38' 31"
59	10.037	10.034	N 64°47' 42"E	118.00	5° 03' 03"
60	9.972	9.955	N 59° 13' 39"E	"	7° 48' 47"
61	9.958	9.500	N 51° 27' 01"E	28.00	20° 22' 30"
62	8.778	8.761	N 39° 56' 16"E	"	17° 57' 45"
63	8.363	8.363	N 77°29' 56"E	"	17° 06' 41"
64	10.002	10.002	N 28° 39' 18"E	8.00	71° 38' 36"
65	10.007	10.000	N 79°02' 28"E	160.00	3° 35' 00"
66	8.807	8.805	N 82° 49' 18"E	8.00	63° 04' 35"
67	7.008	6.883	N 49° 46' 43"E	5.00	89° 09' 19"
68	8.865	8.691	N 4° 20' 26"W	"	101° 38' 31"
69	10.037	10.034	N 64°47' 42"E	118.00	5° 03' 03"
70	9.972	9.955	N 59° 13' 39"E	"	7° 48' 47"
71	9.958	9.500	N 51° 27' 01"E	28.00	20° 22' 30"
72	8.778	8.761	N 39° 56' 16"E	"	17° 57' 45"
73	8.363	8.363	N 77°29' 56"E	"	17° 06' 41"
74	10.002	10.002	N 28° 39' 18"E	8.00	71° 38' 36"
75	10.007	10.000	N 79°02' 28"E	160.00	3° 35' 00"
76	8.807	8.805	N 82° 49' 18"E	8.00	63° 04' 35"
77	7.008	6.883	N 49° 46' 43"E	5.00	89° 09' 19"
78	8.865	8.691	N 4° 20' 26"W	"	101° 38' 31"
79	10.037	10.034	N 64°47' 42"E	118.00	5° 03' 03"
80	9.972	9.955	N 59° 13' 39"E	"	7° 48' 47"
81	9.958	9.500	N 51° 27' 01"E	28.00	20° 22' 30"
82	8.778	8.761	N 39° 56' 16"E	"	17° 57' 45"
83	8.363	8.363	N 77°29' 56"E	"	17° 06' 41"
84	10.002	10.002	N 28° 39' 18"E	8.00	71° 38' 36"
85	10.007	10.000	N 79°02' 28"E	160.00	3° 35' 00"
86	8.807	8.805	N 82° 49' 18"E	8.00	63° 04' 35"
87	7.008	6.883	N 49° 46' 43"E	5.00	89° 09' 19"
88	8.865	8.691	N 4° 20' 26"W	"	101° 38' 31"
89	10.037	10.034	N 64°47' 42"E	118.00	5° 03' 03"
90	9.972	9.955	N 59° 13' 39"E	"	7° 48' 47"
91	9.958	9.500	N 51° 27' 01"E	28.00	20° 22' 30"
92	8.778	8.761	N 39° 56' 16"E	"	17° 57' 45"
93	8.363	8.363	N 77°29' 56"E	"	17° 06' 41"
94	10.002	10.002	N 28° 39' 18"E	8.00	71° 38' 36"
95	10.007	10.000	N 79°02' 28"E	160.00	3° 35' 00"
96	8.807	8.805	N 82° 49' 18"E	8.00	63° 04' 35"
97	7.008	6.883	N 49° 46' 43"E	5.00	89° 09' 19"
98	8.865	8.691	N 4° 20' 26"W	"	101° 38' 31"
99	10.037	10.034	N 64°47' 42"E	118.00	5° 03' 03"
100	9.972	9.955	N 59° 13' 39"E	"	7° 48' 47"
101	9.958	9.500	N 51° 27' 01"E	28.00	20° 22' 30"
102	8.778	8.761	N 39° 56' 16"E	"	17° 57' 45"
103	8.363	8.363	N 77°29' 56"E	"	17° 06' 41"
104	10.002	10.002	N 28° 39' 18"E	8.00	71° 38' 36"

LOT	ARC	CHORD	CH BEARING	RADIUS	Δ
49	15.002	15.002	N 60°39' 54"E	840.00	1° 01' 24"
50	15.825	15.825	N 56° 33' 09"E	826.38	1° 02' 47"
51	"	"	N 58° 35' 57"E	"	"
52	15.002	15.002	N 59°40' 30"E	840.00	1° 01' 24"
53	"	"	N 58°38' 42"E	"	"
54	15.002	15.002	N 57°36' 54"E	840.00	1° 01' 24"
55	"	"	N 56°35' 06"E	"	"
56	15.002	15.002	N 55°33' 18"E	840.00	1° 01' 24"
57	"	"	N 54°31' 30"E	"	"
58	15.002	15.002	N 53°29' 42"E	840.00	1° 01' 24"
59	"	"	N 52°27' 54"E	"	"
60	15.002	15.002	N 51°26' 06"E	840.00	1° 01' 24"
61	"	"	N 50°24' 18"E	"	"
62	15.002	15.002	N 49°22' 30"E	840.00	1° 01' 24"
63	"	"	N 48°20' 42"E	"	"
64	15.002	15.002	N 47°18' 54"E	840.00	1° 01' 24"
65	"	"	N 46°17' 06"E	"	"
66	15.002	15.002	N 45°15' 18"E	840.00	1° 01' 24"
67	"	"	N 44°13' 30"E	"	"
68	15.002	15.002	N 43°11' 42"E	840.00	1° 01' 24"
69	"	"	N 42°09' 54"E	"	"
70	15.002	15.002	N 41°08' 06"E	840.00	1° 01' 24"
71	"	"	N 40°06' 18"E	"	"
72	15.002	15.002	N 39°04' 30"E	840.00	1° 01' 24"
73	"	"	N 38°02' 42"E	"	"
74	15.002	15.002	N 37°00' 54"E	840.00	1° 01' 24"
75	"	"	N 35°59' 06"E	"	"
76	15.002	15.002	N 34°57' 18"E	840.00	1° 01' 24"
77	"	"	N 33°55' 30"E	"	"
78	15.002	15.002	N 32°53' 42"E	840.00	1° 01' 24"
79	"	"	N 31°51' 54"E	"	"
80	15.002	15.002	N 30°50' 06"E	840.00	1° 01' 24"
81	"	"	N 29°48' 18"E	"	"
82	15.002	15.002	N 28°46' 30"E	840.00	1° 01' 24"
83	"	"	N 27°44' 42"E	"	"
84	15.002	15.002	N 26°42' 54"E	840.00	1° 01' 24"
85	"	"	N 25°41' 06"E	"	"
86	15.002	15.002	N 24°39' 18"E	840.00	1° 01' 24"
87	"	"	N 23°37' 30"E	"	"
88	15.002	15.002	N 22°35' 42"E	840.00	1° 01' 24"
89	"	"	N 21°33' 54"E	"	"
90	15.002	15.002	N 20°32' 06"E	840.00	1° 01' 24"
91	"	"	N 19°30' 18"E	"	"
92	15.002	15.002	N 18°28' 30"E	840.00	1° 01' 24"
93	"	"	N 17°26' 42"E	"	"
94	15.002	15.002	N 16°24' 54"E	840.00	1° 01' 24"
95	"	"	N 15°23' 06"E	"	"
96	15.002	15.002	N 14°21' 18"E	840.00	1° 01' 24"
97	"	"	N 13°19' 30"E	"	"
98	15.002	15.002	N 12°17' 42"E	840.00	1° 01' 24"
99	"	"	N 11°15' 54"E	"	"
100	15.002	15.002	N 10°14' 06"E	840.00	1° 01' 24"
101	"	"	N 9°12' 18"E	"	"
102	15.002	15.002	N 8°10' 30"E	840.00	1° 01' 24"
103	"	"	N 7°08' 42"E	"	"
104	15.002	15.002	N 6°06' 54"E	840.00	1° 01' 24"

AREA OF LOTS & BLOCKS

LOT	m²	LOT	m²	LOT	m²	LOT	m²	LOT	m²	LOT	m²	LOT	m²	LOT	m²
1	660.4	13	360.6	25	444.0	37	820	49	734	61	662.7	73	454	85	504.0
2	598.1	14	367.1	26	581.2	38	686	50	780	62	662.7	74	488	86	501
3	325.3	15	360.0	27	536.1	39	680	51	780	63	662	75	494	87	520
4	373.0	16	360.0	28	509.4	40	660	52	734	64	662.7	76	494	88	535
5	373.0	17	360.0	29	508.8	41	660	53	734	65	662.7	77	494	89	500.1
6	971.0	18	659.8	30	544.8	42	670	54	734.8	66	496	78	400	90	520.8
7	671.0	19	640	31	603.7	43	670	55	654.4	67	500	79	531.0	91	531.3
8	685.9	20	547.8	32	668.7	44	667	56	1303.8	68	566	80	536.9	92	570.0
9	760	21	658.3	33	760	45	663.1	57	1018.8	69	561	81	521	93	15
10	697.0	22	587.8	34	786	46	663.1	58	760.7	70	488	82	504.7	94	99.0
11	696.2	23	587.8	35	786	47	804	59	662.6	71	494	83	499.0		
12	696.2	24	756.1	36	820	48	786	60	662.7	72	514	84	537.7		

PLAN 62 M-

I CERTIFY THAT THIS PLAN WAS RECEIVED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF WENTWORTH

AT _____ O'CLOCK, ON THIS _____ DAY OF _____ 1987

AND ENTERED IN THE INDEX FOR PARCEL _____ SECTION _____

AND IN CHARGE CONSENTS AND APPROVALS AND REGISTERED AS PLAN DOCUMENT No. _____

_____
LAND REGISTRAR

THIS PLAN CLEARED
PART OF PARCEL 28-5
SECTION SALTFLEET 4R

APPROVED UNDER SECTION 50 OF THE PLANNING ACT BY THE COUNCIL OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

THIS _____ DAY OF _____ 1987

_____
AUTHORIZED BY BY-LAW No. ____

SURVEYOR'S CERTIFICATE

I CERTIFY THAT

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER
2. THE SURVEY WAS COMPLETED ON THE _____ DAY OF _____ 1987

DATED AT HAMILTON ONTARIO
THIS ___ DAY OF _____ 1987

_____
J DAVID PETERS
ONTARIO LAND SURVEYOR

OWNER'S CERTIFICATE

THIS IS TO CERTIFY THAT

1. I (WE) I DO (DO NOT) HOLD LANDS, BLOCKS 53 AND 54 ON SAID AFTERMATH AND THE STREETS NAMELY NATIONAL DRIVE, ELLEN AVENUE, AND TOMMAR PLACE HAVE BEEN LAID OUT ACCORDING TO OUR INSTRUCTIONS
2. THE SAID STREETS ARE HEREBY DEDICATED TO THE CORPORATION OF THE CITY OF HAMILTON AS PUBLIC HIGHWAYS

DATED AT HAMILTON, ONTARIO

THIS ___ DAY OF _____ 1987

NOTES

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTHERLY LIMIT OF PLAN 62R-4377 AS SHOWN ON PLAN 62R-4377 AS BEING N 57°35'00" E

(SIB) - I.B. DENOTES IRON BAR PLANTED
(SIB) - O.I.B. DENOTES IRON BAR FOUND
- M - DENOTES MEASURED
- (M) - DENOTES (M) AS PER PLAN 62R-4377
- (SIB) - DENOTES 5/8 ROUND IRON BAR
- (MP) - DENOTES WITNESS

(CITY) CITY OF HAMILTON
(PLAN) PLAN 62R-4377
(SURV) J. DAVID PETERS OLS

MACKAY MACKAY & PETERS LIMITED
ONTARIO LAND SURVEYORS
HAMILTON ONTARIO

SCHEDULE 'A'

5.

FOR ACTION

FROM Planning and Development Department

DATE January 4, 1988

TO Planning and Development Committee

Refer to File No. ZA-87-133
MEWBURN
NEIGHBOURHOOD

Attention Of V. J. Abraham

SUBJECT

Request for a modification to the "AA" (Agricultural) District regulations for the property located at No. 18 Rymal Road West. The purpose of the proposed modification is to permit a barber shop within the existing garage.

RECOMMENDATION

That approval be given to Zoning Application ZA-87-133, Guiseppe Messina, Lessee, requesting a modification to the "AA" (Agricultural) District regulations, to permit a barber shop within the existing garage, for the property located at No. 18 Rymal Road West, as shown on the attached map, marked as APPENDIX "A" on the following basis:

i) That the "AA" (Agricultural) District regulations as contained in Section 7A of Zoning By-law 6593 applicable to the subject lands, be modified to include the following variance as a special requirement:

   a) Notwithstanding paragraphs (f) and (h) of Section 2.(2).H.(iii), a barber shop shall be permitted within the existing garage.

ii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject land as Zoning District Map W-9D be notated as S- ;

iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9D; and,

iv) That the proposed change in zoning is in conformity with the City of Hamilton Official Plan.

EXPLANATORY NOTE

The purpose of this by-law is to provide for a modification to the "AA" (Agricultural) District for the property located at No. 18 Rymal Road West, as shown on the attached map marked as APPENDIX "A".

The effect of this by-law is to permit a barber shop within the existing garage.

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Guiseppe Messina, lessee

LOT SIZE AND AREA

- 15.24 m (50 ft.) of lot frontage
- 134.0 m (439.56 ft.) of lot depth
- 2041.76 m^2 (21,978 sq.ft.) of lot area

LAND USE AND ZONING

	EXISTING LAND USE	EXISTING ZONING
Subject Lands	single family dwelling	"AA" (Agricultural) District [(Proposed "G-1" (Designed Shopping Centre) District modified)]
Surrounding Lands		
to the north	vacant (proposed commercial development)	"AA" (Agricultural) District [(Proposed "G-1" (Designed Shopping Centre) District)]
to the south	single family dwellings	"C" (Urban Residential Protected, etc.) District "HH" (Restricted Community Shopping and Commercial) District
to the east	gas station	"HH" (Restricted Community Shopping and Commercial, etc.) District
to the west	single family dwelling	"AA" (Agricultural) District [(Proposed "G-1" (Designed Shopping Centre) District)]

OFFICIAL PLAN

The subject lands are designated "Commercial" on Schedule "A". The proposal complies.

NEIGHBOURHOOD PLAN

The subject lands are designated "Commercial" in the approved Mewburn Neighbourhood Plan. The proposal complies.

BACKGROUND

On November 10, 1987, Council adopted a resolution to permit the development of the lands on the north side of Rymal Road West between Upper James Street and West 5th Street for a shopping plaza, hotel, 2 restaurants and an office building (ZA-83-22). The lands, which are the subject of this application, are included within this proposed development.

Once the development proceeds, the existing garage building will be demolished and Mr. Messina will move his barber shop into the new plaza.

COMMENTS RECEIVED

- The Hamilton Region Conservation Authority, Hamilton-Wentworth Engineering Department and Traffic Department have no comments or objection.
- The Building Department has advised that a variance is required.

COMMENTS

1) The proposal complies with the Official Plan and approved Mewburn Neighbourhood Plan.

2) The proposal can be supported for the following reason:

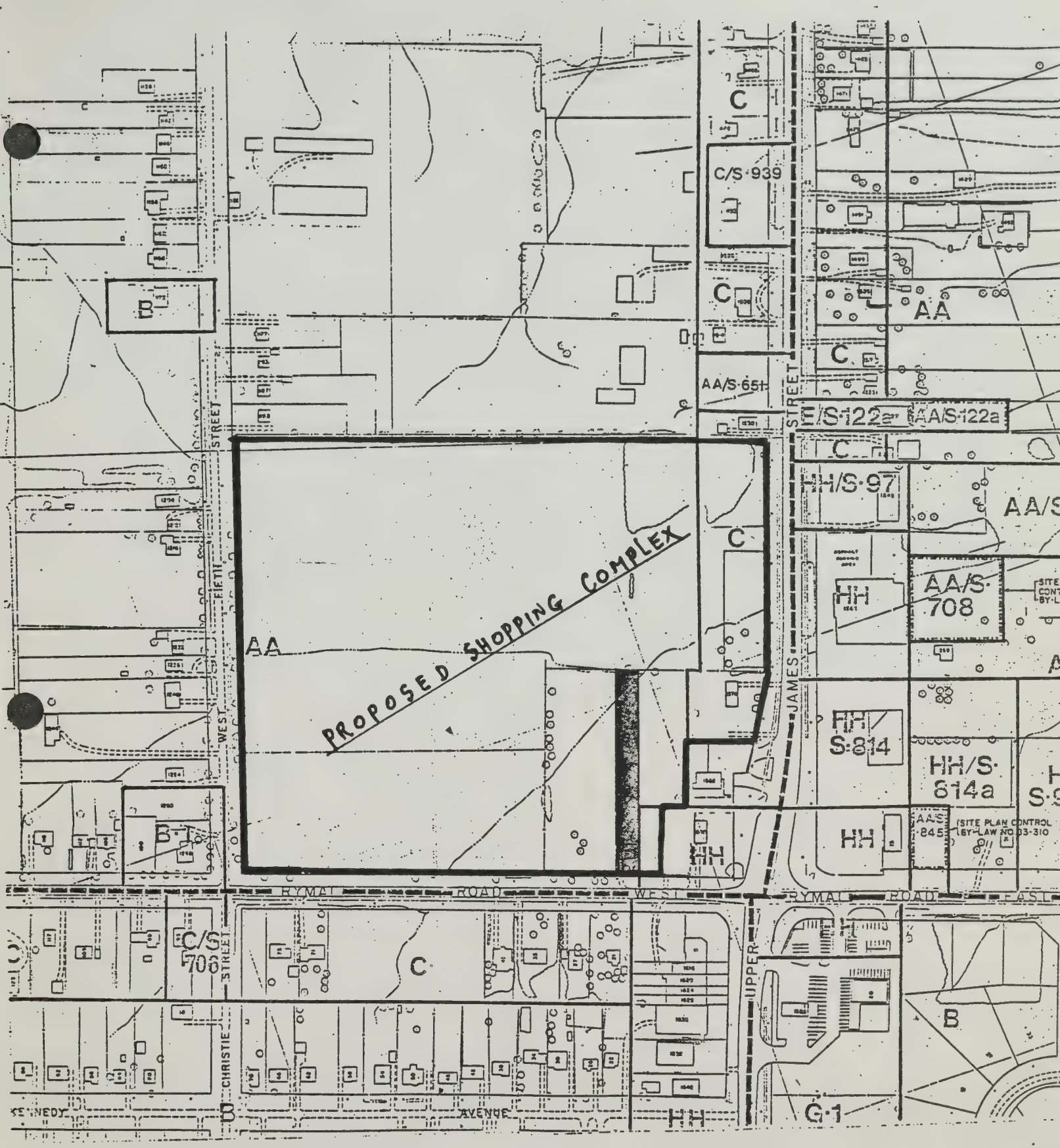
   a) it is located on a major arterial road;

   b) the barber shop will be an interim use since the existing garage building will be demolished once the commercial development of the site for a plaza proceeds.

CONCLUSION

Based on the foregoing, the proposal can be supported.

JH/jd
0420P



LEGEND

SITE OF THE APPLICATION

ZA 87-133

APPENDIX A

CA 4 ON HBL A05
CSIP4
1988

E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

1988 January 21

NOTICE OF MEETING

URBAN MUNICIPAL
JAN 20 1988
GOVERNMENT DOCUMENTS

Planning and Development Committee
Wednesday, 1988 January 27th
2:00 o'clock p.m.
Room 233, City Hall

Susan K. Reeder
Acting Secretary

AGENDA:

DELEGATIONS

A. 2:00 o'clock p.m. Mr. Prehogan, Weir & Foulds, re: Butler et al vs. City/Architect's Fees re: Library Farmers'Market.

1. Minutes of the meeting held Wednesday, 1988 January 13th.(copy to follow) - not received June 1 1988

MAYOR MORROW

2. Zoning procedures. - no copy? not received June 1988

ALDERMAN D. ROSS

3. (a) Jockey Club Tavern - Exclusion from the Ottawa Street B.I.A.

   (i) Report - Community Development.
   (ii) Report - City Solicitor's Department.
   (iii) Correspondence - John L. Jaskula, Q.C., on behalf of the Jockey Club Tavern Limited.

   (b) St. Elizabeth Home Society, 74 Charlton Avenue East.

   (i) Report - Acting Secretary, Planning and Development Committee. (copy to follow) - not received June 1988

   (ii) Report - Planning and Development Department.

ALDERMAN M. KISS

4. Designated Area Enforcement.

BUILDING

5. Demolition Permit Applications.

COMMUNITY DEVELOPMENT

6. (a) Proposed Budget and Schedule of Payments - Ottawa Street North B.I.A.

(b) Ontario Home Renewal Programme (O.H.R.P.) Applications.

(c) Appointment of Consultant - Crown Point West/Stipeley Programme for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.), Phase 1.

CITY SOLICITOR

7. (a) Interim Account -Weir and Foulds - Butler et al vs. City/Architect's Fees re: Library Farmers' Market.

(b) Account - Weir and Foulds - Barnett Expropriations - 10, 14, and 14-1/2 Market Street.

PROPERTY

8. (a) Purchase - 405 Sherman Avenue North.

(b) Extension of Closing Date - 403 Sherman Avenue North.

(c) Extension of Closing Date - 13 Gerrard Street.

(d) Extension of Closing Date - 265 York Boulevard.

(e) Termination of Sale - 26-36 Keefer Court.

(f) Appeal - Bayview Glen Estates Subdivision - 5% Cash-in-lieu Valuation.

ENGINEERING

9. Cash payment in lieu of 5% Parkland Dedication - "Gilkson Village".

L.A.C.A.C.

10. (a) Heritage Permit Application - Christ's Church Cathedral.

(b) Designation - St. Clair Boulevard (between Delaware and Cumberland.)

(c) Designation of ground floor interior - Custom House.

PLANNING

11. (a) Certificates of the Chief Planning Officer.

(b) Hamilton Perimeter Road Study - Phase 1.

(c) Site Plan Control Application DA87-103 (DA85-47) - lands at 574 James Street North.

(d) Site Plan Control Application DA87-109 - land at 686 Queenston Road. (Queenston Mall)

(e) Condominium Application SA87-29 - for land at the west side of Upper Paradise Road, north of the proposed Mountain Freeway.

(f) Condominium Application SA87-14 - for land on the south side of Mohawk Road West and west of Magnolia Drive.

(g) Subdivision Application 87-28 - for land east of Upper Paradise Road and north of Rymal Road.

(h) Subdivision Application 87-22 - for land north of Rymal Road adjacent to Templemead Drive.

(i) Subdivision Application 87-21 - for land north of Limeridge Road East and west of Kingsberry Street.

ZONING APPLICATIONS

PUBLIC MEETING

3:00 o'clock p.m.

12. Zoning Application 87-109 - for land at the south east corner of Upper Wentworth Street and Stone Church Road East.

(a) Letter of Submission - Hamilton General Homes.

13. Zoning Application 86-97 - for land on the east side of Upper Sherman Avenue in the area north of Stone Church Road East. (Item to be lifted from the table by Alderman Merling)

3:15 o'clock p.m.

14. Zoning Application 87-114 - for land at 390 Nebo Road and 1188 and 1196 Rymal Road East.

15. Zoning Application 87-115 - for land at 305 and 307 Main Street West.

16. Subdivision Application 87-31 and Zoning Application 87-104 - for land on the west side of the proposed extension of Greenhill Avenue, in the area south of Pavarotti Court.

3:30 o'clock p.m.

17. Subdivision Application 87-19 and Zoning Application 87-111 - for land at 1538 Upper Ottawa Street.

3:45 o'clock p.m.

18. Zoning Application 87-119 - for land at 986 and 998 Upper Wentworth Street.

    (a) Letter of Submission - Mr. & Mrs. D. Cravero, 35 Titmouse Court.

19. Zoning Application 87-48 - for land on the west side of Upper James Street in the area south of Stone Church Road West.

    (a) Letter of Submission - Dr. & Mrs. Dickson, 1428 Upper James Street.

4:00 o'clock p.m.

20. Normanhurst Industrial Rezoning.

4:15 o'clock p.m.

21. Proposed amendments to the Official Plan and Stipeley Neighbourhood Plan to recognize the planned park on the former Hamilton Foundry Site.

22. Other Business.

23. Adjournment.

MEMORANDUM • CITY OF HAMILTON

REC
JA

A.

TO : Chairman and Members,
Planning & Development Committee.
Attention: Mrs. S. Reeder,
Secretary.

YOUR FILE: CITY CLERKS

FROM : K. A. Rouff,
City Solicitor.

OUR FILE : 100-1.340

SUBJECT : Butler et al vs City/Architect's Fees re Library Farmers' Market

DATE : 1988 January 12

This is to confirm my advice to you that Mr. Prehogan of the Weir & Foulds firm will be attending on your Committee at its meeting on January 27, 1988 at 2:00 p.m. to make a report with respect to Mr. Butler's case against the City.

You may recall the City has been sued in the amount of $600,000.00 for damages related to the cost overrun on the construction of the Library and Farmers' Market.

K. A. Rouff,
City Solicitor.

KAR:mk

3(a)(i)

FOR INFORMATION

FROM Mr. E. W. Kowalski, Director, Community Development

DATE 1988 January 20

TO Planning and Development Committee

Refer To File No. 800-0014.10

Attention Of

Your File No.

SUBJECT

Ottawa Street Business Improvement Area; Jockey Club Tavern Exclusion from the Business Improvement Area (B.I.A.).

BACKGROUND

The Department of Community Development has attached the following information for the Committee's review of the letters submitted by Mr. J. Jaskula Q.C., Jaskula, Sherk, Barristers and Solicitors dated 1987 December Ø3 and 18 and, 1988 January Ø8:

A) A letter from the Ottawa Street B.I.A. (from Mr. G. Carrey, Secretary, Executive Director) dated 1987 November 19 which states three (3) conditions to the exclusion of the Jockey Club Tavern from within the boundaries of the B.I.A. (Schedule 'A'):

1. The circularization of the notice of intention will not jeopardize the Ottawa Street Business Improvement Area in any way.

2. The Jockey Club Tavern pays all its B.I.A. levies in arrears for both 1986 and 1987.

3. This circularization is cleared through, and accepted by the Ministry of Municipal Affairs.

B) A letter dated 1987 August 26 from Mr. L. Petovello, Ministry of Municipal Affairs, Community Renewal Branch, explaining the Province's interpretation of the Municipal Act, Section 217 (Schedule 'B').

A member of the Ottawa Street B.I.A. will be present at the Planning and Development Committee meeting to answer any questions regarding their position.

SCHEDULE 'A'

OTTAWA STREET B.I.A.
VALUE, SELECTION AND PERSONAL SERVICE

Ottawa Street Business Improvement Area (B.I.A.)

326-1/2 Ottawa St. N., Hamilton, Ont.
L8H 4A1 Tel: 544-5822

RECEIVED
DATE NOV 26/87
FILE NO. 800-0014-10
LETTER NO. 840-30
FILE

November 19, 1987

Mr. E.W. Kowalski
Director of Community Development
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Ed:

On behalf of the Ottawa Street BIA, I would like to again inform you of our Executive Board's feelings regarding the Jockey Club Tavern situation.

The BIA will ask the City of Hamilton to circularize all the existing BIA members with a notice of intention to pass a by-law stating new boundaries of the Ottawa Street Business Improvement Area to exclude the Jockey Club Tavern property. Existing by-law #86-31 will remain intact until such time the new by-law is accepted by the membership and passed by Hamilton City Council, to ensure that the BIA remains unaffected.

This request will be made to the City of Hamilton by the BIA if the following conditions are met:

1. The circularization of the notice of intention will not jeopardize the Ottawa Street Business Improvement Area in any way.

2. The Jockey Club Tavern pays all its BIA levies in arrears for both 1986 and 1987.

3. This circularization is cleared through, and accepted by the Ministry of Municipal Affairs.

We also ask that if the Jockey Club Tavern goes to court over this issue, that Ted Culshaw, BIA Chairman; Diane Whatmough, BIA Manager; Larry Petovello, Municipal Affairs; and myself be subpoenaed so that we are kept up to date with the situation.

Because of this situation of levies in arrears, our budget has been deprived of about $20,000. This makes the task of budgeting very difficult. The Contingency Fund has to be increased to cover this deficit which is in turn, very difficult to explain to the rest of the BIA membership. We ask that this situation be resolved as soon as possible so that our 1988 and future budgets can be reflected as such.

Sincerely,

Gerald Carrey
Secretary,
Executive Director
Ottawa Street BIA

cc. Wally Mack
Alderman Valeriano
Alderman Hinkley
Alderman Copps
Alderman Christopherson
Larry Petovello
Ted Culshaw
Diane Whatmough

SCHEDULE 'B'

Ontario

Ministry of Municipal Affairs

Ministère des Affaires municipales

Community Renewal Branch
777 Bay Street - 13th Floor
Toronto, Ontario
M5G 2E5

International Year of Shelter for the Homeless

Année internationale du logement des sans-abri

August 26, 1987

Sept 1st/87
800-0014.10
824-45

Ms. Jacqueline McNeilly
Department of Community Development
P.O. Box 2040
Hamilton, Ontario
L8N 3T4

Dear Jacqueline:

Re: Ottawa Street BIA/The Jockey Club Tavern

This is in reply to your letter of August 13, 1987 regarding BIA boundaries and minimum/maximum charges.

BIA Boundary Reductions

The existing BIA legislation (S.217 of the Municipal Act) makes no provision for the reduction of a BIA boundary. As a result, the only method available to reduce the boundary is to repeal the BIA designation by-law and adopt a new BIA with a reduced boundary. The procedures of S.217 (1-4) would apply to the new BIA, therefore, the potential does exist for the BIA to be in jeopardy in such a case.

I would also point out that the "Report of the Committee to Review Section 217 of the Municipal Act" confirms the above position as evidenced by Section 5(b) of the report (copy attached).

Minimum/Maximum Levy:

The Municipal Act was amended in 1980 to include the provision of minimum and maximum BIA levies. This amendment was included to recognize the fact that in some cases the "conventional" BIA levy (the proportion that the assessed value of the real property that is used as the basis for computing business assessment of each of such persons bears to the assessed value of all the real property in the area used as the basis for computing business assessment) may not be equitable to all businesses.

/2

This provision has proven to be an effective method in dealing with business which receive greater benefit than their levy supports plus alleviate the concerns of business which do not receive a benefit proportionate to their levy (e.g. auto dealerships).

I trust that the above addresses your questions satisfactorily.

Yours truly,

Larry Petovello
Community Planner

Enclosure

REPORT

OF THE COMMITTEE

TO REVIEW SECTION 217

OF THE MUNICIPAL ACT

SEPTEMBER, 1985

4. Subsections (17) & (18) Special Charge

Issue: The term "special charge" in subsections 17 and 18 refers to different levies and is therefore confusing. In subsection 17 it refers to the levy based on the standard levy, whereas in subsection 18 it refers to the higher charge that council may impose on persons in the area who, in the opinion of council, derive a special benefit in excess of others as a result of the establishment of a Business Improvement Area.

Recommendation: The context in which the term "special charge" is used should be reviewed in the various subsections and, where necessary, the term should be changed to reflect the different ways to calculate levies. Where reference is made to the levy for special benefits, this may be changed to "special benefit charge".

5. Subsections 26 to 30

Issue: (a) Under the current legislation the process for expanding a BIA is to redesignate an existing BIA area and include the "extra" area. This entails sending notice to all entitled for notice in both the expanded area and also the existing BIA. As there are no limitations on the nature of the objections, if an OMB hearing is necessary as a result of objections, the existing area,

of dispute in the OMB hearing. It was the opinion of the committee that the issue before the OMB should be limited to the merits of expanding the area rather than questioning the existence of the original BIA.

(b) The legislation does not allow for the reduction of the BIA boundaries. The area boundaries cannot be reduced by any degree without the prior dissolution of the existing BIA. A number of the BIAs have indicated that minor redefinitions of the boundaries may be necessary due to errors in initial lot size information or due to a change in ownership and/or land uses at the periphery of the area. In some cases this may be best dealt with by the deletion of a property or portion thereof from the area. In such circumstances, the request to dissolve the existing area appears to be onerous and drastic.

Recommendation: Permit the expansion and/or reduction of the BIA boundary through an amendment of the original by-law. This would impress upon all affected that only the part of the area to be added or deleted is subject to discussion and appeal. Where boundary revisions are proposed, the provision for notification would apply to all parties presently assessed (a BIA levy) and all persons within the proposed expanded area.

The problem is the Jockey Club says it should not be in the BIA. The BIA executive agree. But, the BIA wants the Jockey Club to pay the levy which the Jockey Club says has been improperly levied.

I have suggested the following:

a) The Jockey Club deposit the amount in dispute and the Courts will decide the financial dispute;

b) The Council pass a simple straight forward by-law amending the boundaries to delete the Jockey Club premises from the BIA and this will solve the planning or political dispute.

I still believe that in that equity must prevail and in light of what has transpired, justice will be served if the Committee recommends an amendment to the by-law and that the Court decide the financial dispute.

You will note that Mr. Sage made his recommendation in October. With the greatest respect, I suggest that the Committee has an obligation to deal with this matter quickly. Therefore, I ask that the matter be part of the Committee's next agenda.

Yours very truly

John L. Jaskula, Q.C.
JLJ/jw

cc: Mr. Lou Sage, Chief Administrative Officer
Mr. Edward Kowalski, Director of Community Development
Mr. Ken Rouff, City Solicitor
Ottawa Street North BIA
Jockey Club Tavern Limited

DEC 8 1987

JASKULA, SHERK

BARRISTERS & SOLICITORS

JOHN L. JASKULA, Q.C.
CHRISTOPHER B. SHERK, B.SC., M.B.A., LL.B.
JEFF C. TEAL, LL.B.
L. CHARLES FLAHERTY, B.A.(HONS.), LL.B.

TELEPHONE (416) 547-0504
P. O. BOX 60, STATION B
678 MAIN STREET EAST
HAMILTON, CANADA
L8L 7V7

December 3, 1987

"DELIVERED"

Planning and Development
Committee
The Corporation of the
City of Hamilton
City Hall
Hamilton, Ontario
L8N 3T4

Dear Sirs:

RE: Jockey Club Tavern Limited ("Jockey Club") and
Ottawa Street Business Improvement Area ("BIA")
Our File Number 86-195

Thank you for your letter of November 25, 1987 advising me that the Committee agreed to receive my letter of October 28th.

Attached to the letter was a memorandum from the Acting Secretary in which she states that Mr. Sage in his report to you suggested that the Courts should decide who should pay the arrears in the special levy. She goes on to say, "He adds that the Court decision... would also determine whether or not the Jockey Club Tavern should remain in the B.I.A. or not".

With the greatest respect, the sole issue before the Court will be whether or not the taxes should be paid. The Court will not decide whether or not the Jockey Club should be within the BIA geographic area.

The Municipal Act gives the power to the City Council to decide whether or not a BIA should exist and who should be part of it. The Court will not make a political decision. With the greatest respect, therefore, I suggest that Mr. Sage is wrong in suggesting that the Court would make such a decision about the special levy.

. . . /2

Once again, I suggest that since the present BIA executive and members have indicated a willingness to support a re-definition of the BIA boundaries, then because of that Council should pass a by-law amending the current by-law by changing the boundaries of the BIA. You will recall that Mr. Eker had advised that such an amendment was possible and that such an amendment, being minor in nature, would not affect the existence of the BIA.

Without making any admissions, it is entirely possible that the Jockey Club will be found to have been properly included in the BIA. If that is the case, then the special levy will have been properly made and the Jockey Club will be required to pay an amount of the levy plus penalties plus costs. That being the case, the Jockey Club has agreed to deposit the amount required to cover the aforesaid in whatever form the Acting City Solicitor deems appropriate.

We urge the Committee to support the plan because it will solve at least the political aspect of the problem (which is supported by the BIA) and will leave the technical legal aspects for determination by the Court.

Yours very truly

John L. Jaskula

John L. Jaskula, Q.C.
JLJ/jw

cc: Mr. Lou Sage, Chief Administrative Officer
Mr. Edward Kowalski, Director of Community Development
Mr. Paul Eker, Acting City Solicitor
Ottawa Street North BIA
Jockey Club Tavern Limited

Jaskula, Sherk

Barristers and Solicitors

Telephone 416-547-0504
FAX: 416-547-1152
P.O. Box 60, Station B
678 Main Street East
Hamilton, Canada
L8L 7V7

John L. Jaskula, Q.C.
Christopher B. Sherk, B.Sc., M.B.A., LL.B.
Jeff C. Teal, LL.B.
L. Charles Flaherty, B.A., LL.B.

December 18, 1987

"DELIVERED"

Planning and Development
Committee
The Corporation of the
City of Hamilton
City Hall
Hamilton, Ontario
L8N 3T4

Dear Sirs:

RE: Jockey Club Tavern Limited ("Jockey Club") and
Ottawa Street Business Improvement Area ("BIA")
Our File Number 86-195

I wrote to you on October 28th and December 3rd.

In summary, I said:

1) the BIA agrees that the Jockey Club should be "let out";

2) that being the case, it should be done now rather than wait for another tax year to roll around because there is no provision in the Act for appeals from this levy;

3) as far as 1986 and 1987 tax is concerned, the Court will decide whether or not the tax should be paid. If it should be paid, the Jockey Club will pay it;

4) to give you comfort that the tax will be paid, if so required by the Court, the Jockey Club would deposit the appropriate amount in an escrow account or provide such other security as the City Solicitor might require to ensure payment.

. . . /2

I believe that the aforesaid solves both the political and the legal aspects of the problem.

I urge the Committee to act as soon as possible in order to avoid any further unnecessary and undue hardship to the Jockey Club. After all, since the BIA has said, "let the Jockey Club out", then it should be let out and if its concern is the arrears of the levy then, since the appropriate amount will be held in escrow, that should satisfy the Committee's and the BIA's concern about payment.

If both the Committee and the BIA want the levy paid (even though we say its improper in law) before the Jockey Club will be let out, then with the greatest of respect, I suggest that it is wrong for you to put a gun to my client's head and then ask him to make a choice.

Yours very truly

John L. Jaskula, Q.C.
JLJ/jw

cc: Mr. Lou Sage, Chief Administrative Officer
Mr. Edward Kowalski, Director of Community Development
Mr. Paul Eker, Acting City Solicitor
Ottawa Street North BIA
Jockey Club Tavern Limited

3(b)
(ii)

STATUS REPORT

FROM Planning and Development Department

DATE January 20, 1988

TO Planning and Development Committee

Refer to File No. DA-85-38

Attention Of V. J. Abraham

SUBJECT

The status of the Site Plan Control Application DA-85-38 for the re-development of the lands at the south-east corner of John Street South and Charlton Avenue East.

August 17, 1987 - Letter to the Minister of Municipal Affairs from Mayor Robert M. Morrow requesting a review of the decision by the Niagara Escarpment Commission with respect to the demolition permit application for 74 Charlton Avenue East.

June 30, 1987 - Notification to the Agent, Mr. Julian Gaspar, from the Planning and Development Department that Site Plan Control Application DA-85-38 had been closed due to the decision of the Minister of Municipal Affairs in regard to the development permit.

June 2, 1987 - The Minister of Municipal Affairs directs the Niagara Escarpment Commission not to issue a development permit on Application W/R/85-6/368, but to issue development permit applications W/R/85-6/369 and W/P/86-7/42, subject to certain conditions.

October 28, 1986 - City Council adopted the resolution put forward by the Planning and Development Committee to forward the approved Site Plan Control Appliction DA-85-38 to the Niagara Escarpment Commission.

October 23, 1986 - Notification to the Niagara Escarpment Commission from the office of the City Clerk, Corporation of the City of Hamilton, of the Planning and Development Committee's resolution regarding the above-noted site plan control application at its meeting of October 15, 1986.

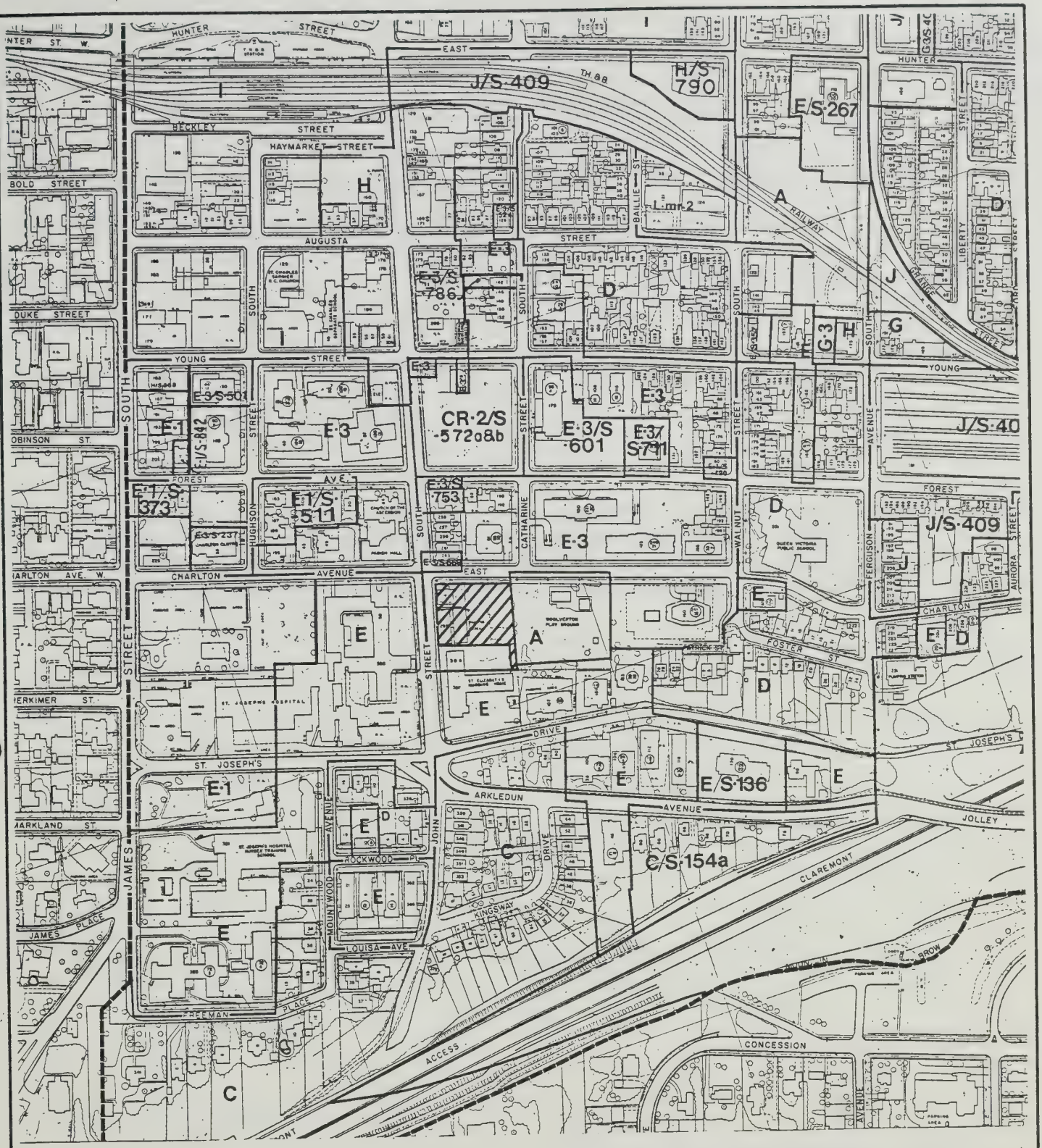
October 15, 1986 - Planning and Development Committee approved Site Plan Control Application DA-85-38, subject to certain conditions. (Existing structure at 74 Charlton Avenue East would be demolished.)

February 18, 1986 - Request to the Chairman and Members of the City of Hamilton Local Architectural Conservation Advisory Committee to investigate and advise on the development proposal for the above-noted Site Plan Control Application from the Planning and Development Department.

July 8, 1985 - Application for Site Plan Control Agreement for the above-noted property received by the Planning and Development Department.

October 2, 1984 - Request from the Niagara Escarpment Commission to the City of Hamilton to review and comment on Development Permit No. 1156/W/P/80/229.

VJA:JM:cab.



CORKTOWN NEIGHBOURHOOD No. 31

PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL APPLICATION DA-85-38

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

SITE OF THE APPLICATION

North	Scale	Reference File No.
	1 : 5000	DA-85-38
	Date: July 1985	Drawing No.: 85-H-101

4.

FOR INFORMATION

FROM: Mr. Paul Kuppe, Building Commissioner **DATE:** January 19th, 1988

TO: Planning and Development Committee **Refer to File No.** _____

Attention of: Brian D. Allick

Your File No. _____

SUBJECT:

Designated Area Enforcement

BACKGROUND:

In response to Alderman Kiss' concerns regarding the policy regarding a neighbour complaining whereby abutting properties are also inspected. I enclose for the information of the Committee, a report which was approved by the Planning and Development Committee, dated September 12th, 1984.

BACKGROUND:

It is the concensus of this Sub-Committee, that improvements can be made in almost all buildings if forceful action is taken with:

a) Buildings that do not comply with the By-Laws of the City and have tax certificates issued.

b) Buildings that are derelict because owners seem not to take responsibility to secure or demolish them.

Funds must be expended even if returns are not foreseeable through the tax collection system.

These derelict buildings cost money in time, with the complaint process and emergency action by Police and Fire Departments, also social problems.

Rentable or even vacant properties well secured, cost less to maintain than abandoned buildings that have to be dealt with by all Departments at some time during a year.

The complaints referred to are a very small percentage of the complaints received.

Through the co-operation of all Departments, it is now found the majority of complaints are cleared up when the owners are notified of the violations and a dialogue takes place.
For example, in 1983, 521 complaints were referred to the Property Standards Officers, and some form of Property Standards action was taken. 523 files were closed as complied with.

Of these numbers, only 6 required court action, 2 where the City carried out the repairs and 10 buildings were demolished.

It would seem the policy of firm persuasion is successful in other than buildings in (a) & (b) above, which are for all intent and purposes, are abandoned by the owner.

cont'd....

Further explanations to the recommendations:

1. WHEN A TAX CERTIFICATE IS REGISTERED ON TITLE:

a) An inspection of the building be carried out by a Property Standards Officer, to determine if the subject property is:

(i) Occupied (ii) Suitable for Occupancy

Present policy is that Real Estate Department only inspects at this time.

b) If suitable for occupancy:

The Real Estate Department in conjunction with the Property Standards Inspector, submit a report to the Planning and Development Committee, indicating the costs involved to meet the standards and possible uses of properties.

c) If not suitable for occupancy:

The Real Estate Department in conjunction with the Property Standards Inspector, submit a report to the Planning and Development Committee, indicating why the building is not economically viable to rehabilitate to the standards required by the Property Standards By-Law.

d) If not viable, a recommendation to the Planning and Development Committee:

1) how the building should be secured

2) Approximate costs to secure and maintain the exterior to reduce complaints.

3) Property Standards enforcement be commenced and Notices and Orders issued as necessary for the complete property.

4) Register Order on title.

EXPLANATION:

A tax certificate is registered on title when a 3 year period of non-payment of taxes has taken place. It is then the perogative of the Treasury Department to register a tax certificate on the title of the property.

cont'd....

The following one year redemption period is mandatory under Provincial Legislation, and during this year of redemption, the City has the power only to maintain and insure the said property.

Because of these restrictions, our recommendation is to determine:

i) if the building is occupied.

ii) if it is suitable for occupancy.

iii) that estimates be prepared for the costs to repair the building to comply with the Property Standards By-Law.

The present situation is that the Real Estate Department only inspects in this first year period and usually the building remains in its existing condition. The building may be viable to be used and with this information, a decision could be made.

If it is determined that it is not suitable for occupancy, then the report submitted would indicate that the building is not viable to rehabilitate to the standards required by the By-Law, or that the building is recommended to be secured and left vacant for the remainder of the redemption year.

2. AFTER ONE YEAR REDEMPTION PERIOD IS PASSED:

a) Treasurer determine if needed for municipal purposes and pass necessary By-Laws.

b) If not required for municipal purposes:

A report be submitted to the Planning and Development Committee by the Real Estate Department and the Property Standards Inspector, indicating the condition of the building at this time, and a recommendation be made as to whether the building should be:

a) Rehabilitated

b) Demolished

c) Sold with registered orders or a certificate of compliance as part of the sale documents.

EXPLANATION:

The actions of the Municipality are again controlled by Provincial Legislation and the procedure is that the Treasury Department, if the property is needed for municipal purposes, passes the necessary by-law.

cont'd....

If the property is not required for Municipal purposes, after being notified by the Treasurer, the Building Department and the Real Estate Department recommend as to viability for rehabilitation, or whether the building should be demolished, or sold with any Orders under the Property Standards By-Law registered on title, as part of the sale documents, for a final disposition of the building.

3. BUILDINGS THAT ARE DERELICT BECAUSE OWNERS SEEM NOT TO TAKE RESPONSIBILITY TO REPAIR, SECURE OR DEMOLISH THEM

a) Have buildings that are open to trespass secured by the Fire Prevention Bureau, as soon as possible.

b) Proceed with issuance of Notices, Orders and obtain a binding Order as soon as possible, under the Property Standards By-Law.

c) Secure buildings by substantial methods to inhibit vandalism and trespass.

EXPLANATION:

Well secured buildings cost less to maintain than abandoned buildings, as they inhibit trespass and therefore vandalism and arson, and reduce health problems, and therefore the complaints and the response by all Departments.

4. DESIGNATED AREA ENFORCEMENT:

Including abutting property only in enforcement, would encourage the exterior up-grading of the street scape and promote repairs, painting, etc., without the appearance of downgrading a neighbourhood, but would also give the Property Standards Officer a practical guideline rather than ignoring a glaring violation next to a property which he is serving notice and for which he does not have a complaint.

5. EXPLANATION FOR RECOMMENDATION #5

The City considers derelict buildings to be an important problem, which requires a planning solution. It is therefore, recommended that during the neighbourhood planning, secondary planning, and community improvement planning processes a survey be conducted to identify all buildings which appear to be in a derelict condition or approaching derelictions. It is felt that early detection of blight will prevent further deterioration of buildings and neighbourhoods. It is important to be able to identify areas most prone to suffer from deterioration.

cont'd....

6. EXPLANATION FOR RECOMMENDATION #6

Where residents are displaced as a result of a derelict building becoming the property of the City through tax default, it is also recommended that the City provide assistance to those tenants displaced as a result of their accomodations being sealed off or demolished. The City has a moral obligation to ensure that all residents are adequately housed. Since the City has taken the initiative to seal off or demolish derelict buildings, the City should, therefore, through the appropriate social agencies, seek alternative housing for tenants.

7. EXPLANATION FOR RECOMMENDATION #7

The City under existing legislation, has no means of ensuring that miscellaneous expenses used to maintain or secure a derelict building is recoverable. It is therefore further recommended, that the City of Hamilton request the Province of Ontario to amend the Municipal Sales Tax Act, presently before the Legislature, to permit the City to recover municipal expenditures necessary to maintain or seal off a derelict building in the form of "taxes" and not "in a like manner as taxes."

This amendment would ensure that the City is in a position to recover the charges since the payment of tax arrears overrides all other financial claims on a property.

5.

FOR ACTION

FROM P. KUPPE, BUILDING COMMISSIONER DATE January 20, 1988

TO THE PLANNING & DEVELOPMENT COMMITTEE Refer To File No. _____

Attention Of _____

Your File No. _____

SUBJECT

Demolition

RECOMMENDATION

That the Building Commissioner be authorized to issue demolition permits for the demolition of residential buildings as listed below:

1. 497 Stonechurch Road East
2. 143 Nash Road South
3. 384 Limeridge Road East
4. 318 Queenston Road
5. 180 Pritchard Road
6. 183 Mud Street
7. 143/145 Walnut Street South
8. 22 Gerrard
9. 130 Tope Crescent
10. 523 Rymal Road West
11. 110 Pritchard Road

PETER C. LAMPMAN, P. ENG.
Director of Plan Examination

B U I L D I N G D E P A R T M E N T

DEMOLITION APPLICATIONS

CATEGORY "A" - PROPOSED USE OF LAND IS PERMITTED BY PRESENT ZONING

DATE: January 20, 1988

ITEM	ADDRESS	PRESENT USE	PROPOSED USE	LOT SIZE	ZONE	RECOMMENDATION
1.	497 Stonechurch Road East	S.F.D.	S.F.D.		"C"	It is recommended that Committee approve demolition.
2.	143 Nash Road S.	S.F.D.	S.F.D.	45' X 90'	"C"	It is recommended that Committee approve demolition.
3.	384 Limeridge Rd. East	S.F.D.	Residential Care Facility	136' X 360'	"DE-3/S 995"	It is recommended that Committee approve demolition.

PETER C. LAMPMAN, P. ENG.
Director of Plan Examination

B U I L D I N G D E P A R T M E N T

DEMOLITION CONTROL

CATEGORY "B" - NO IMMEDIATE REDEVELOPMENT IS PROPOSED BUT IS UNECONOMICAL TO MAINTAIN THE EXISTING RESIDENTIAL PROPERTY

DATE January 20, 1988

ITEM	ADDRESS	PRESENT USE	PROPOSED USE	LOT SIZE	OWNER	ZONE	RECOMMENDATION
1.	318 Queenston Rd.	S.F.D.	Future strip plaza	54' X 100'	5-C-Six	"H"	It is recommended that Committee approve demolition.
2.	180 Pritchard Rd.	S.F.D.	Proposed mountain freeway	205' X 999.99'	Future owner, City of Hamilton	"M-14"	It is recommended that Committee approve demolition.
3.	110 Pritchard Rd.	S.F.D.	Proposed mountain freeway	50' X 217'	Future owner, City of Hamilton	"AA"	It is recommended that Committee approve demolition.
4.	183 Mud Street	S.F.D.	Proposed mountain freeway	30' X 198'	Future owner, City of Hamilton	"AA"	It is recommended that Committee approve demolition.
5.	143/145 Walnuts St.	T.F.D.	Corktown Neighbour-hood park	25.75' X 120.03'	Future owner, City of Hamilton	"D"	It is recommended that Committee approve demolition.
6.	22 Gerrard	S.F.D.	Alpha Enclave Industrial Park	214.19' X	Branard Corp.	"K"	It is recommended that Committee approve demolition.

PETER C. LAMPMAN, P. ENG.
Director of Plan Examination

B U I L D I N G D E P A R T M E N T

DEMOLITION CONTROL

CATEGORY "C" - NO IMMEDIATE REDEVELOPMENT IS PROPOSED

DATE January 20, 1988

ITEM	ADDRESS	PRESENT USE	PROPOSED USE	LOT SIZE	OWNER	ZONE	RECOMMENDATION
1.	130 Tope Crescent	S.F.D.	Vacant	40.9' X 159.75'	David Braley	"D"	It is recommended that Committee approve demolition.
2.	523 Rymal Rd. W.	S.F.D.	Vacant	2,313,036 sq. ft.	Berksin Prop.	"AA"	It is recommended that Committee approve demolition. *COMMENTS* House is to be relocated and land left vacant. It is also of interest to LACAC.

PETER C. LAMPMAN, P. ENG.
Director of Plan Examination

6(a)

FOR ACTION

FROM Mr. E. W. Kowalski, Director
Community Development Department

DATE 1988 January 19

TO Planning and Development Committee

Refer To File No. 800-0014.10

Attention Of _____

Your File No. _____

SUBJECT

Ottawa Street North Business Improvement Area; Proposed Budget and Schedule of Payments 1988.

RECOMMENDATION

i) That, in accordance with Schedule 'A', appended hereto, the 1988 operating budget of the Ottawa Street North Business Improvement Area be approved in the amount of $85,000.00; and,

ii) That, the City Solicitor be hereby authorized and directed to prepare the requisite by-law pursuant to Section 217, the Municipal Act, R.S.O. 1980, to levy the 1988 budget as referenced in i) above; and,

iii) That, the Schedule of Payments 1988, on a quarterly basis, with payments in February, May, August and November of $21,150.00 each, be approved.

BACKGROUND

At a general membership meeting held 1987 December 02, the Ottawa Street North Business Improvement Area budget for 1988 in the amount of $85,000.00 of which 12% has been set aside for uncollectible levies was voted on and approved.

c.c. Mr. K. A. Rouff, City Solicitor
City Solicitor's Department

Mr. E. C. Matthews, City Treasurer
Attention: Mr. D. J. Goodman,
Assistant Supervisor, Business Tax

SCHEDULE 'A'

1988 B.I.A. BUDGET

Rent ($350.00 x 12 months)		$4,200.00
Utilities (monthly average x 12 months)		$565.00
Phone ($42.50 x 3 lines x 12 months) + long distance charges		$1,850.00
Insurance ($1,000,000 liability & office coverage & non-owned auto		$650.00
Office Supplies		
paper, letterhead, envelopes, printer paper, etc.	$300.00	
typewriter & printer ribbon	$200.00	
pens, pencils, staples, files, etc.	$150.00	
postage	$500.00	$1,050.00
Rental of Photocopier ($555.00 x 4 quarterly payments less approx. receipts from members)		$1,130.00
Service Contract on typewriters ($172.50 x 2)		$345.00
Service Contract on photocopier (all maintenance & black ink toner)		$475.00
Newsletter printing		$300.00
Wages & Benegits (including employers contribution)		$21,500.00
Travel expense (conferences & mileage)		$500.00
Memberships (OBIAA)		$250.00
Advertising (Breakdown as attached)		$21,575.00
Parking (Meter feeding - $50.00/day x 52 Saturdays)		$2,600.00
Beautification & Streetscape (Streetcleaner salary & benefits for 40 weeks =$8,800.00 & equipment =$500.00)		$9,300.00
Christmas Lights (Rental: $5,500.00 + outlet repairs $500.00)		$6,000.00
Retainer for Mainstreet Designer		$1,500.00
Other		$1,600.00
Contingency Fund		$9,610.00
		$85,000.00

FOR ACTION

FROM E. W. Kowalski, Director
Department of Community Development

DATE 1987 December 31

TO Planning and Development Committee

Refer To File No. 800-0300

Attention Of

Your File No.

SUBJECT

Ontario Home Renewal Programme (O.H.R.P.).

RECOMMENDATION

That the six (6) applications listed below be submitted to City Council for approval, authorizing the Department of Community Development to process grants/loans in the amount not to exceed $7,500. The actual amount of grant or loan to be determined by inspection of the property under the Property Standards By-law 74-74 and pursuant to Regulation 506 (R.R.O. 1980) under The Housing Development Act for the Ontario Home Renewal Programme (O.H.R.P.).

BACKGROUND

Listed below are six (6) applications that are currently being processed for grants and/or loans pursuant to an amendment to The Housing Development Act, Regulation 506 (R.R.O. 1980).

For the information of the members of the Committee, the total number of applications to date under the Ontario Home Renewal Programme is three thousand eight hundred and thirty-five (3,835).

G. Socha
328 East 36th Street

D. Weaver
151 Cameron Ave. North

A. Kelly
6 Elsa Court

S. Deabreu
40 Leinster Ave. South

F. Utman
17 Brant Street

H. Good
127 South Bend Rd. East

6(c.)

FOR ACTION

FROM Mr. E. W. Kowalski, Director
Community Development Department

DATE 1988 January 18

TO Planning and Development Committee

Refer To File No. 800-0608
800-0609

Attention Of

Your File No.

SUBJECT

Crown Point West/Stipeley Programme for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.) Phase I, Appointment of Consultant.

RECOMMENDATION

i) That, Frank Basciano Landscape Architects Ltd. be appointed for the consultation design, preparation of working drawings and specifications ready for construction tender, construction supervision and contract management of the Crown Point West/ Stipeley P.R.I.D.E. Phase I at an upset fee of $ 66,000. ; and

ii) That, the City Solicitor be authorized and directed to prepare the necessary agreement between the City and Frank Basciano Landscape Architects; and,

iii) That, the Mayor and City Clerk be authorized to execute the agreement referenced in ii) above.

BACKGROUND

The firm of Frank Basciano Landscape Architects Ltd. has gained a great deal of background and expertise through his involvement with Phase I, II and III of the Downtown Action Plan, the Priority One Park Pipeline for the Homeside Ontario Neighbourhood Improvement Programme (O.N.I.P.) and the Corktown Stinson O.N.I.P. Accordingly, Frank Basciano Landscape Architects Ltd. are completely familiar with the requirements of the City in the development of City parks. The requirements of this programme are a) that $266,666.67 be spent during the 1988-1989 Provincial fiscal year, and b) that the Community Improvement Plan be submitted to the Ministry by 1988 March 31. Therefore, it is essential that a competent landscaping firm, familiar with the City's procedures, be appointed immediately so that 1) construction can proceed this Spring, 2) that the Consultant be involved with the Citizens' Advisory Committee and the Community Improvement Plan formulation, 3) a Public Meeting with thirty (30) days notice may be held prior to forwarding the Plan to the Ministry of Municipal Affairs.

For the previous reasons, it would be in the best interests of the City of Hamilton to retain Frank Basciano Landscape Architects Ltd. for the Crown Point West/Stipeley P.R.I.D.E. Phase I developments.

c.c. Mr. R. Prowse, Acting Secretary
Parks and Recreation Committee

7a.

FOR ACTION

FROM P. M. Eker, Acting City Solicitor

DATE 1987 December 11

TO CHAIRMAN AND MEMBERS
PLANNING AND DEVELOPMENT COMMITTEE
ATTENTION: Mrs. Susan Reeder,
Acting Secretary

Refer To File No. 100-1.340

Attention Of Lorne E. Farr

Your File No.

SUBJECT

Butler et al vs City/Architect's Fees
re Library Farmers' Market

RECOMMENDATION

That the interim account of Weir and Foulds, Barristers and Solicitors dated October 21, 1987 in the amount of $2,758.50 for fees and $222.00 for disbursements for a total of $2,980.50 be paid. This account covers services from September 29, 1987 to October 23, 1987.

This involves a Supreme Court of Ontario action by the architects of the Hamilton Central Library and Farmers' Market for further fees and interest in the amount of $600,000.00. By adopting Section 20 of The Twenty-Fifth Report of the Planning and Development Committee at its meeting of September 24, 1985, City Council approved the firm of Weir and Foulds, Barristers and Solicitors, to be retained under the direction of the City Solicitor to act for the City.

Lorne Farr for Paul Eker
Acting City Solicitor

c.c. Mr. L. Sage, C.A.O.
c.c. Mr. E. C. Matthews
City Treasurer

7(b)

FOR ACTION

FROM K. A. Rouff, City Solicitor

DATE 1987 January 12

TO CHAIRMAN AND MEMBERS
PLANNING & DEVELOPMENT COMMITTEE
ATTENTION: Mrs. Susan Reeder
Acting Secretary

Refer To File No. 55-38.23
55-38.26
55-38.26(a)

Attention Of Lorne E. Farr

Your File No.

SUBJECT

Barnett Expropriations -
10, 14 and 14 1/2 Market Street

RECOMMENDATION

That the account of Weir and Foulds dated November 26, 1987 in the amount of $3,724.22 inclusive of disbursements, for services rendered from January 19, 1987 to and including November 10, 1987 be paid.

BACKGROUND

Weir and Foulds were retained in January of 1974 to act as the City's counsel with respect to these and other expropriations in the Lloyd D. Jackson Square urban renewal area.

Mr. Barnett and his family owned several properties that were expropriated. Proceedings with respect to all, but 10, 14 and 14 1/2 Market Square have been completed. As soon as Mr. Barnett and his solicitors are through formulating their claims with respect to 10, 14 and 14 1/2 Market Square, Weir and Foulds will be able to attempt a negotiated settlement, failing which, same will proceed to the Land Compensation Board.

c.c. Mr. E. C. Matthews, City Treasurer
c.c. Mr. L. Sage, Chief Administrative Officer
c.c. Mr. E. W. Kowalski, Director
Community Development Department
c.c. Mr. D. W. Vyce, Director of Property
and Real Estate

8(a.1)

FOR ACTION

FROM D.W. Vyce, Director of Property

DATE January 20, 1988

TO PLANNING & DEVELOPMENT COMMITTEE

Refer To File No. 100.11.95 ~~(4505)~~

Attention Of

Your File No.

SUBJECT

Purchase by the City
405 Sherman Avenue North - G. Piconi

RECOMMENDATION

That an Option to Purchase the property at 405 Sherman Avenue North duly executed by Giovanni Piconi on January 19, 1988 and scheduled to close on or before June 24, 1988 be completed.

This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan I and has a frontage of 6.196 metres (20.33 feet) by a depth of 27.432 metres (90 feet) comprising an approximate area of 169.97 square metres (1,829.7 square feet) with structures erected thereon. The purchase price of $50,950.00 in accordance with Schedule "A" attached, and all costs and associated expenses, including Tenant Moving Allowances, to be charged to account #0408-W75266. Demolition is to take place upon closing.

BACKGROUND

We attach hereto an Option to Purchase from Giovanni Piconi for the purchase by the City of Lot 8, Plan 547, having a frontage along the westerly limits of Sherman Avenue North of 6.196 metres (20.33 feet) more or less by a depth of 27.432 metres (90 feet) more or less, containing an area of 169.97 square metres (1,829.7 square feet) more or less, together with all structures erected thereon and known as Municipal Number 405 Sherman Avenue North for the sum of $50,950.00.

Attach.

c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
- Mr. M. Chidley, Regional Surveyor
- Mr. R. Gillespie, Manager, Property Maintenance Division
- Mr. P. Kuppe, Building Commissioner
Attention: Monica German

8(b.)

FOR ACTION

FROM D. W. Vyce, Director of Property DATE January 19, 1988

TO PLANNING & DEVELOPMENT COMMITTEE Refer To File No. 50.7.42 (4505)

Attention Of

Your File No.

SUBJECT

Purchase by the City
403 Sherman Avenue North

RECOMMENDATION

That the closing date for the purchase by the City of 403 Sherman Avenue North from Mr. D. Arnott be extended from November 24, 1987 to February 1, 1988. All other terms and conditions of this transaction shall remain the same and time continues of the essence.

BACKGROUND

In adopting Item 21 of the 17th Report of the Planning and Development Committee, City Council approved the above purchase on September 29, 1987.

Due to circumstances involving the title to the property and in order to satisfy the requirements of the City Solicitor with respect to same, the owner's solicitor has requested an extension until February 1, 1988.

c.c. - Mr. K.A. Rouff City Solicitor
- Mr. E.C. Matthews, City Treasurer
- Mr. M. Chidley, Regional Surveyor

FOR ACTION JAN 18 1988 8(c.)

FROM D.W. Vyce, Director of Property **DATE** January 14, 1988

TO PLANNING & DEVELOPMENT COMMITTEE **Refer To File No.** 100.11.112 (4505)

Attention Of

Your File No.

SUBJECT

Purchase by the City - 13 Gerrard Street - Stella Miksza.

RECOMMENDATION

That the closing date for the purchase of 13 Gerrard Street be extended from March 1st, 1988 to April 5th, 1988. All other terms and conditions of this transaction shall remain the same, and time continues of the essence.

D.W. Vyce

BACKGROUND

In adopting Item #14 of the 20th Report of the Planning and Development Committee, City Council on October 27th, 1987 approved the above purchase. Mrs. Miksza's solicitor, Mr. E. Cain, has requested the above extension on behalf of his client as Mrs. Miksza will be unable to relocate to a senior citizen's apartment until April 5th, 1988.

c.c. - Mr. K.A. Rouff, City Solicitor

- Mr. E.C. Matthews, City Treasurer

- Mr. M. Chidley, Regional Surveyor

8(d)

FOR ACTION

FROM D. W. Vyce, Director of Property DATE January 19, 1988

TO PLANNING & DEVELOPMENT COMMITTEE Refer To File No. 20.1.281 (4503)

Attention Of

Your File No.

SUBJECT

City Sale to Nash & Morison - 265 York Boulevard

RECOMMENDATION

That an Offer to Purchase an irregular shaped parcel of vacant land located on the southerly limit of York Boulevard between Hess Street North and Queen Street North from Douglas L. Nash and Brian W. Morison, scheduled for closing on or before January 14th, 1988, be extended to close on or before March 1st, 1988.

The extension is to be granted on the understanding that all other terms and conditions agreed to within the Offer to Purchase will remain unchanged, and time will remain of the essence.

D W Vyce

BACKGROUND

Council approved the sale of the subject lands on May 26th, 1987 with a closing date tentatively scheduled for October 29th, 1987. One of the conditions of the sale was that development of the property be subject to "Site Plan Control" and that such plans for development be approved by the City prior to the closing of the transaction. Because this mandatory site plan approval was unable to be obtained prior to the original closing set out in the Agreement, an extension to January 14th, 1988 was approved by City Council at its meeting on November 24th, 1987.

We have now received information from Solicitor B. Morison that an application for site plan approval has been filed, but formal approval as required by the agreement still has not been obtained, and he has therefore made this request to extend the closing date until March 1st, 1988.

Should formal site plan approval be obtained earlier than that date, Solicitor Morison has advised that his clients will close as soon as the City is satisfied that the condition in the sales contract has been met.

c.c. - Mr. K.A. Rouff, City Solicitor
Attention: Mr. P. Shen
- Mr. E.C. Matthews, City Treasurer
- Mr. M. Chidley, Regional Surveyor
- Mr. P. Baker, General Manager, Parking Authority
Attention: Mrs. F. Astley

8(e.)

FOR ACTION

FROM D. W. Vyce, Director of Property DATE December 22, 1987

TO PLANNING & DEVELOPMENT COMMITTEE Refer To File No. 40.15.60 (4504)

Attention Of

Your File No.

SUBJECT

Termination of Sale - Parts 10 & 11, Plan 62M-6188, 26-36 Keefer Court - Kenora Industrial Park - Jim Pattison Industries Ltd. operating as Mountain City News.

RECOMMENDATION

(1) That an Offer to Purchase the lands of the Corporation of the City of Hamilton located at 26 - 36 Keefer Court, Parts 10 & 11, 62M-6188, duly executed on April 6th, 1987, by the Purchasers, Jim Pattison Industries Ltd. operating as Mountain City News be terminated and the Purchaser's deposit in the amount of $11,600.00 be returned in full without deduction.

(2) That Item 15 of the 8th Report of the Planning & Development Committee as adopted by City Council on April 28th, 1987 be rescinded.

BACKGROUND

The aforementioned Offer to Purchase agreement was subject to the approval of the Board of Directors of Jim Pattison Industries Limited.

This department has received a letter from Mr. Bertram Leggat, Q.C., Solicitor for the Purchaser in which he advises that the cost of clients' proposed building has far exceeded the Purchaser's corporate budget, and as a result the Purchaser's Board of Directors would not approve the purchase of the subject lands.

In view of this information the Purchaser wishes to exercise its' right to terminate the sale and have the deposit returned.

c.c. - Mayor R.M. Morrow
- Mr. R.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
- Mr. M. Chidley, Regional Surveyor
- Mr. S. Ghanem, Director of Economic Development

8(f)

FOR ACTION

FROM D. W. Vyce, Director of Property DATE December 23, 1987

TO PLANNING & DEVELOPMENT COMMITTEE Refer To File No. 38.1.209(4506)

Attention Of

Your File No.

SUBJECT

Bayview Glen Estates Subdivision
5% Cash-in-lieu Valuation

RECOMMENDATION

(a) That the Bayview Glen Plan of Subdivision be valued as of February 18, 1987 pursuant to Section 41 of the Planning Act,

and,

(b) That the value of $2,555,000.00 placed on the lands by the Property Department, (being 61 single family residential building lots valued at an average price of $41,885.00 each), be upheld.

BACKGROUND

Arosa Properties Limited is appealing this department's valuation of its lands in the Bayview Glen Estates plan of subdivision. The basis of the appeal, as we understand it, is that the subject land and five additional lots (66 in total) were sold by Arosa last year for $2,255,000, whereas the valuation for the 5% cash-in-lieu payment prepared by this department is $2,755,000 for the same 66 lots. This latter amount is approximately 22% higher than the selling price and represents an extra $25,000 that Arosa is required to pay under the cash-in-lieu provision of Section 41 of the Planning Act. (The lands under appeal, being the subject 61 lots in the Bayview Glen Subdivision, have been valued at $2,555,000 as set out in the recommendation.)

We are in no way challenging the authenticity of the $2,255,000 transaction price, and indeed, Arosa has been most generous in providing supporting documentation relating to the sale.

While the actual bone fide open market sale of the subject lands is usually a very reliable estimate of value, there are, in our opinion, four reasons why the transaction price in this instance does not reflect the market value at the effective valuation date on February 18th, 1987:

BACKGROUND - Continued...

1. Effective Date of Valuation

The documentation provided by Arosa shows the negotiations were completed, and the agreement finalized, on August 5th, 1986, and would, assuming a bone fide agreement, reflect market conditions and values prevailing at that date. The date of the valuation of the land for the 5% payment is set out in Section 4(6) of the Act as "the day before the day of the issuance of the building permit". The first permit was issued on February 19th, 1987, before the subdivision was registered, with the bulk of the development occurring June 19th, 1987 and later. Even if the February date is accepted as being the effective date of the appraisal, it is still six and a half months after the negotiations to sell were completed. While this might initially appear to be an insignificant time frame for the 22% discrepancy in values, it must be remembered that this was a period of unprecedented boom for residential housing and land: a time of multiple offers for each listing and "flips" before closings. Metropolitan Hamilton Real Estate Board figures for this time period show median February residential prices 29% higher than six months earlier, and average prices 23% higher. In our opinion, this intense market activity and increased value levels of housing directly relates the value of residential land and renders the Arosa sale out of date and inappropriate for use in reflecting market value as specified in the Act.

2. Market Value Evidence

At the time of the effective valuation date in mid February the market for single family residential housing, and consequently the demand for ready-to-go building lots, was extremely strong. There is significant documented data to show that active negotiations were taking place during that time period (with scheduled closings in the early spring and summer of 1987) at rates in excess of $1,000 per front foot. A concise summary of representative transactions that took place during the time frame in question has been attached as supplementary background information for the Committee. Not every recorded transaction is identical in every respect to the subject parcel, but they do show tangible evidence of the market price levels.

BACKGROUND - Continued...

3. Builder's Pricing Schedule

As further supporting evidence we have attached the builder's price schedule, dated August 1st, 1987, which shows a price differential of $6,000 to $7,000 on the Greenview and Greenhill models. These differ only by reason of being a 40 foot rather than 35 foot lots. On a per front foot basis this is $1,200 - $1,400 front foot charge that new home purchasers are being asked to pay: well in excess of the $1,000 per front foot that we have valued these same lots for the 5% cash-in-lieu payment. We are not promoting the marketing practice of the builder as representing market value, but in our view it certainly lends credence to our position that we have attempted to fairly reflect the market value of the lots.

4. Discount for Volume

The final factor that we feel contributes to the disparity between the purchase price and our current valuation can be attributed to the discount typically granted for volume purchase. The advantages to the vendor in reducing carrying costs, legal fees and the earlier opportunity to liquidate into a cash position provides the large buyer with more leverage in negotiating prices over single lot purchasers. For complete subdivision purchases like the case at hand, we have found that the discount is typically in the 10 to 15 per cent range.

Conclusion

If recognition is given to the volume purchase and the difference in valuation dates as being legitimate factors that warrant an adjustment in last August's transaction price, an argument could be made that the value for the 5% should be in the order of 33 to 44 per cent higher. While we can appreciate Arosa's position, having so recently been involved in a bone fide transaction involving the subject lands, we believe our valuation fairly reflects the value of the property given the circumstances involved.

c.c. - Mr. L. Sage, Chief Administrative Officer

SINGLE FAMILY BUILDING LOT SALES

No.	Address	Instrument No.	Closing Date	Frontage	Price Per Front Foot
1.	314 Templemead Dr.	201701 LT	June '87	40.9'	$ 978.71
2.	315 Templemead Dr.	201698 LT	June '87	40.0'	$1,000.00
3.	318 Templemead Dr.	201700 LT	June '87	40.9'	$ 978.71
4.	319 Templemead Dr.	201699 LT	June '87	39.4'	$1,003.76
5.	40 Sorrento Dr.	203685 LT	June '87	49.2'	$1,061.77
6.	Sorrento Pl.(L82)	204118 LT	July '87	40.3'	$1,077.80
7.	Sorrento Pl.(L80)	204116 LT	July '87	40.5'	$1,074.87
8.	15 Independence	201707 LT	June '87	40.6'	$ 984.49
9.	Torino Dr.(L61)	205127 LT	July '87	40.0'	$1,008.50
10.	Torino Dr.(L62)	205128 LT	July '87	40.0'	$1,008.50
11.	Torino Dr.(L32)	204160 LT	July '87	48.5'	$ 988.6
12.	Torino Dr.(L31)	204159 LT	July '87	48.7'	$1,073.82
13.	130 Cherryridge Ct.	202870 LT	June '87	(Av)51.6'	$1,356.58
14.	92 Torino Dr.	204890 LT	July '87	49.2'	$1,117.88
15.	22 Torino Dr.	203632 LT	June '87	42.6'	$1,125.43

CR INC.
CASTELLANO REAL ESTATE INC.
287 Main Street West, Hamilton, Ontario L8P 1J7
(416) 522-2269

EFFECTIVE AUGUST 1st, 1987

BAYVIEW GLEN ESTATES

FEATURES	MODEL	NO. OF FLOORS	SQ.FT.	NO. OF BEDRMS.	LOT SIZE	PRICE
D	Greenview	1	1,200	3	35 ft.	$128,900.00
	single car garage			$1,200/F.F.	40 ft.	$134,900.00
A,B	Greenhill	2	1,398	3	35 ft.	$135,900.00
	single car garage			$1400/F.F.	40 ft.	$142,900.00
A,B,D,E	Greenhurst	4	1,680	3	35 ft.	$139,900.00
	single car garage					
A,B,D	Greenhurst	4	1,950	3	40 ft.	$154,900.00
	1½ car garage					
	double car garage				50 ft.	$177,900.00
A,B,C,D	Greenwood	2	1,600	3	40 ft.	$151,900.00
A,B,C,D	Greendale	5	1,835	3	35 ft.	$147,900.00
	single car garage & exit off laundry room					
	1½ car garage & exit off laundry room				40 ft.	$156,900.00
	double car garage & exit off laundry room				50 ft.	$174,900.00
A,B,C,D	Greendale	5	1,835	3	40 ft.	$158,900.00
	1½ car garage & rear walkout					
	double car garage & rear walkout				50 ft.	$176,900.00
A,B,C,D	Greenhaven	2	1,900	3	40 ft.	$158,900.00
	single car garage					
	double car garage				50 ft.	$176,900.00
A,B,C,D	Greengrove	2	2,100	3	40 ft.	$169,900.00
	single car garage					
	double car garage				50 ft.	$188,900.00

** Court lots are priced individually.

FEATURES:

A - includes fireplace
B - includes familyroom
C - includes laundry mud room or upstairs laundry
D - includes ensuite or access
E - includes rough-in for 2 piece

C A R O G A H O M E S

A FRANKEL PROJECT

PRICES SUBJECT TO CHANGE WITHOUT NOTICE

ID#0134D (22)

9.

F O R A C T I O N

FROM Department of Engineering

DATE January 20, 1988

TO Planning & Development Committee

Refer To File No. S707-48

Attention Of D. Christilaw

Your File No. _____

SUBJECT

"Gilkson Village", Hamilton
(Cash payment in lieu of 5% Parkland Dedication)

RECOMMENDATION

The Corporation of the City of Hamilton accept the sum of $4,460.27 as cash payment in lieu of 5% dedication of lands, in connection with "Gilkson Village", Hamilton, this being the cash requirement under Section 50 of the Planning Act.

J. R. G. Leach
Commissioner of Engineering

BACKGROUND

The owners of the lands for the above referenced subdivision will be executing a Subdivision Agreement with the City of Hamilton in the near future. A copy of the Final Survey Plan is attached for your information.

In accordance with normal City procedure, the City and Regional Staff have completed calculations for the 5% cash payment in lieu of Parkland dedication. The sum to be included in the Subdivision Agreement has been calculated to be $4,460.27.

NOTE: These lands are located south of the proposed Mountain Freeway and east of Upper Paradise Road in the Gilkson Neighbourhood, Hamilton.

DVC:sw

cc: D. Consoli, City Treasury Department
cc: P. Shen, City Solicitor's Department

0089-S

Gilkson Village

BEING A PLAN OF SUBDIVISION
OF PART OF
LOT 20, CONCESSION 7
FORMERLY IN THE TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH
SCALE 1:600

J. DAVID PETERS, O.L.S.
1987

LOT	AREA (m²)	LOT	AREA (m²)
1	363.7	8	
2		9	
3	366.6	10	376.7
4		11	
5		12	
6	376.7	13	
7		14	376.8
BLOCK 15	1078 m²	BLOCK 16	300.6 m²

METRIC
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

PLAN 62M-
I CERTIFY THAT THIS PLAN 62M- IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF WENTWORTH AT O'CLOCK ON THE DAY OF 1987 AND ENTERED IN THE REGISTER FOR PARCEL PLAN-1, SECTION 62M- AND REQUIRED CONSENTS AND AFFIDAVITS ARE REGISTERED AS PLAN DOCUMENT No

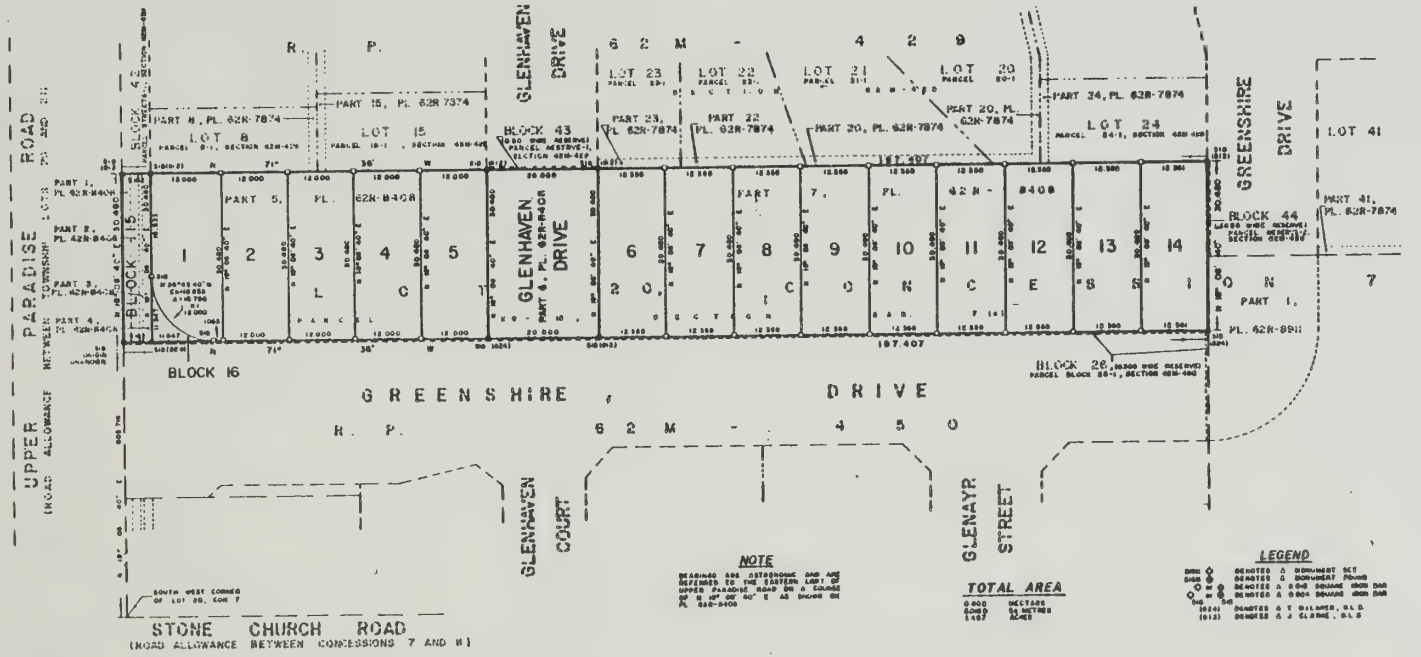
LAND REGISTRAR

THIS PLAN COMPRISES ALL OF PARCEL 80-10, SECTION 62M-114
BLOCK 15 IS SUBJECT TO EASEMENTS REGISTERED AS INST. 80064 C.D. (PART 2, PLAN 62R-8408) AND AS INST. 80410 C.D. (PART 1, PLAN 62R-8408)
GLENHAVEN DRIVE IS SUBJECT TO AN EASEMENT REGISTERED AS INST. 841006 C.D.

APPROVED UNDER SECTION 50 OF THE PLANNING ACT BY THE COUNCIL OF THE REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH THIS DAY OF 1987

REGIONAL CHAIRMAN

AUTHORIZED ON BY LAW No 87-



NOTE
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE EASTERN LIMIT OF UPPER PARADISE ROAD ON A COURSE OF N 40° 00' 00" E AS SHOWN ON PL 62R-8408

TOTAL AREA

0.000	HECTARES
0.040	10 METRES
1.407	ACRES

LEGEND
DENOTES Δ MONUMENT SET
DENOTES ○ MONUMENT FOUND
DENOTES ▲ 0.040 SQUARE IRON BAR
DENOTES ▲ 0.004 SQUARE IRON BAR
DENOTES A.T. DILLMER, O.L.S.
DENOTES A.J. CLARKE, O.L.S.

SURVEYOR'S CERTIFICATE
I CERTIFY THAT
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER;
2. THE SURVEY WAS COMPLETED ON THE DAY OF 1987.
HAMILTON - ONT

DATE J. DAVID PETERS, O.L.S.

OWNER'S CERTIFICATE
THIS IS TO CERTIFY THAT:
1. LOTS 1 TO 14, ALL INCLUSIVE, STREET, NAMELY GLENHAVEN DRIVE, AND STREET WIDENINGS, NAMELY BLOCKS 15 & 16 HAVE BEEN LAID OUT ACCORDING TO OUR INSTRUCTIONS
2. THE STREET AND WIDENING (BLOCK 16) ARE HEREBY DEDICATED TO THE CORPORATION OF THE CITY OF HAMILTON AND THE WALKWAY (BLOCK 15) IS HEREBY DEDICATED TO THE CORPORATION OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH, ALL AS PUBLIC HIGHWAYS.

[illegible] ONTARIO LIMITED

"I HAVE THE AUTHORITY TO BIND THE CORPORATION"

DATED THIS DAY OF 1987

MACKAY, MACKAY & PETERS LIMITED
ONTARIO LAND SURVEYORS
ESTABLISHED 1900
BATE BOK, LAWSON BAR BUILDING
20 HUNTER STREET SOUTH
HAMILTON, ONTARIO L8N 2A1
TEL. (416) [illegible]

SCHEDULE "A"

PLAN No. S-6800

10-(a)

FOR ACTION

FROM *L.A.C.A.C* **DATE** *1988 January 05*

TO *Planning & Development Committee* **Refer To File No.** _____

Attention Of _____

Your File No. _____

SUBJECT

Christ's Church Cathedral - Heritage Permit Application for New Front Steps

RECOMMENDATION

That the plans for three sets of stone steps on the front (west facade) of Christ's Church Cathedral be approved.

NOTE: *Any alterations or additions to the designated facades of the church requires Council approval.*

L. Riddle

BACKGROUND

Early views of the church indicated that the original stairs consisted of a short flight of simple wooden steps in front of each of the three doorways.

Photograph showing the original wooden stairs and architect's drawing of proposed new stone stairs available at meeting.

LP/lp
cc: Mrs. D. Dent, Chairman
Mr. V. Abraham, Director of Local Planning
Ms. N. Chapple, Planning Department

10(b-)

FOR ACTION

FROM *L.A.C.A.C.* **DATE** *1988 January 05*

TO *Planning & Development Committee* **Refer To File No.** _____

Attention Of _____

Your File No. _____

SUBJECT

St. Clair Boulevard - Designation Request

RECOMMENDATION

That a Heritage Conservation District Study and Plan for the area comprising St. Clair Boulevard (between Delaware Avenue and Cumberland Avenue) be undertaken.

NOTE: *The St. Clair Boulevard Homeowners Association has submitted a petition signed by all 37 property owners requesting that the above-delineated area be designated under Part V of the Ontario Heritage Act as a Heritage Conservation District (petition to be circulated at meeting).*

BACKGROUND

Representatives of the St. Clair Boulevard Homeowners Association plan to be present at the meeting.

LP/lp

cc: *Mrs. D. Dent, Chairman*
Mr. V. Abraham, Director of Local Planning
Ms. N. Chapple, Planning Department

10(c)

FOR ACTION

FROM *L.A.C.A.C.* **DATE** *1988 January 05*

TO *Planning & Development Committee* **Refer To File No.** _____

Attention Of _____

Your File No. _____

SUBJECT

Custom House - Designation of Ground Floor Interior

RECOMMENDATION

a) *That the designation be extended to the entire first floor of the Custom House interior, including the staircase which originally ran to the third floor, and that the Reasons for Designation be amended accordingly.*

b) *That the City Solicitor be authorized and directed to amend the designating by-law.*

NOTE: *The owner has requested designation of the entire ground floor interior because funding for its restoration has been awarded by the Province.*

L. Riddle

BACKGROUND

LP/lp
Attach.

cc: *Mrs. D. Dent, Chairman*
Mr. V. Abraham, Director of Local Planning
Ms. N. Chapple, Planning Department

REASONS FOR DESIGNATION

The Custom House

51 Stuart Street

Architects: F. P. Rubidge, Dept. of Public Works
Frederick James Rastrick, Hamilton
Hopkins Lawford and Nelson, Montreal

Hamilton's historic Custom House, which is located on Stuart Street between Bay and MacNab Streets North overlooking the CN tracks, ranks as a heritage building of prime importance to the city and the province. Commissioned by the United Province of Canada Legislative Assembly, it was built in 1858-60 as a Custom House, a relatively uncommon building type in nineteenth century Ontario. It is the oldest and now the only major government building in Hamilton dating from the past century. It reflects the city's role as a major Great Lakes port and an important station on the Great Western Railway. It stands as a monument to Hamilton's prominent role in the development of trade and commerce during the formative years of this country.

This beautifully proportioned building remains as one of the finest examples to survive from the city's brief but highly productive period of stone architecture dating from the 1840's to the 1860's. It was designed in the Renaissance Revival style of architecture popular in England at the time and inspired by the Italian "palazzo" prototype. The rhythmic progression of arched and pedimented windows and the elaborate treatment of the central bay with its projecting stone portico and sculptured coat-of-arms contribute to the artistic success of the building. The high quality of craftsmanship is clearly evidenced in the carved stone decoration of the exterior.

The interior ground floor also displays fine classical detailing which has survived relatively intact - notably, the arched window and door surrounds, the ornamental plaster ceiling of the entrance lobby and the elliptical archway leading to a curving wooden staircase.

Of particular importance to the preservation of the Custom House are:

1. the original elements of all four exterior facades, including the dressed stone masonry walls, stone portico, carved stone window surrounds and the doors and windows (but excluding the present roof covering).

2. the original architectural features of the entire ground floor interior including the entrance lobby and adjacent staircase (which originally ran to the third floor), partition walls, doors and door and window surrounds.

FOR ACTION

11(a)

FROM Planning and Development Department

DATE December 30, 1987

TO City of Hamilton
Planning and Development Committee

Refer To File No. P6-7

Attention Of V. J. Abraham

SUBJECT

Certificates of the Chief Planning Officer.

RECOMMENDATION

The Planning and Development Committee recommend to Council that By-law 83-136 be repealed and that the attached by-law, appointing a Chief Planning Officer for the purposes of signing statements of conformity and undertakings requiring OMB approval, on behalf of the City of Hamilton, be approved.

EXPLANATORY NOTE

By-law 83-136 appointed the Director of Local Planning as the Chief Planning Officer and in his absence, the Director of Development, for the purposes of signing a statement of conformity of a zoning by-law where no objections to a zoning by-law had been lodged. Recently, a similar regulation has been instituted requiring a statement of the Chief Planning Officer for certain undertakings requiring the approval of the Ontario Municipal Board. In addition, the position of Director of Development has been eliminated in a departmental reorganization which necessitate the repeal of By-law 83-136 and the approval of a new by-law.

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

BACKGROUND

In 1982, the Province introduced a new provision in the Planning Act eliminating the need for a zoning by-law to be processed through the Ontario Municipal Board, when it conformed to the City's Official Plan and was not subject to an objection. As part of the required procedures, Council passed a by-law appointing the Director of Local Planning as the Chief Planning Officer for the purposes of signing a Statement of Conformity. By-law 83-136 also identified the Director of Development as the Chief Planning Officer, in the absence of the Director of Local Planning.

Since that time, the Province has introduced a procedure requiring a similar statement to be filed by the Chief Planning Officer whereby an undertaking pursuant to Section 64 of the Ontario Municipal Board Act, is not contrary to the Official Plan, any zoning by-law or amendments, or that these have no relevance to the undertaking.

In 1985, the Planning and Development Department was reorganized into two major branches, Local Planning and Regional Planning each headed by a Director. This reorganization eliminated the position of Director of Development. With this position gone, there was effectively no person to act as a Chief Planning Officer in the absence of the Director of Local Planning.

CONCLUSION

Given:

- the new procedures requiring a statement of the Chief Planning Officer; and,

- the elimination of the Director of Development position.

It is therefore appropriate to repeal By-law 83-136 and prepare and pass a new by-law incorporating the necessary changes.

Accordingly, a suitable draft by-law (see attached) has been prepared by the Solicitor's Department for your consideration. The Division Head of the Land Use and Urban Design Division and the Division Head of the Policy and Neighbourhood Planning Division jointly are recommended as the Chief Planning Officer, in the absence of the Director of Local Planning.

C.F.:nd

W.P. DOC. 0060P

Bill No. D-65

The Corporation of the City of Hamilton

BY-LAW NO. 88-

To Appoint:

A CHIEF PLANNING OFFICER

WHEREAS R.R.O. 1980, Reg. 785, Section 5 requires that the Chief Planning Officer of the local municipality provide an opinion that a zoning by-law is in conformity with the official plan of the local municipality for the purpose of the procedure established in the said regulation relating to a zoning by-law becoming effective where no notice of objection has been filed;

AND WHEREAS the "Procedures to be followed by all Municipalities in Ontario with respect to applications to the Ontario Municipal Board for approval of undertakings pursuant to Section 64 of The Ontario Municipal Board Act (R.S.O. 1980 Chapter 347)" includes a requirement that a statement by the Clerk or the Chief Planning Officer of the municipality must be filed with the Board as part of the supporting material for each application for approval, "stating that the application is not contrary to any official plan, any zoning by-law or amendments thereto; or that these have no relevance to the application";

AND WHEREAS it is intended to appoint a Chief Planning Officer for the purposes of the said regulation and the said Procedures.

NOW THEREFORE the Council of The Corporation of The City of Hamilton enacts as follows:

1. The Director of Local Planning of the Regional Municipality of Hamilton-Wentworth is appointed Chief Planning Officer for the purpose of completing Schedule 3 of Form 1 referred to in Section 5 of R.R.O. 1980, Reg. 787, and for the purpose of the Procedures aforesaid in respect of an application under Section 64 of The Ontario Municipal Board Act.

2. In the absence of the Director of Local Planning, the Division Head of the Land Use and Urban Design Division and the Division Head of the Policy and Neighbourhood Planning Division jointly are appointed Chief Planning Officer in place and stead of the Director of Local Planning.

3. By-law No. 83-136 is repealed.

PASSED this day of 1988

City Clerk Mayor

11(b.)

FOR ACTION

FROM Planning and Development Department

DATE January 19, 1988

TO Planning and Development Committee

Refer To File No. P5-6-2-1-6

Attention Of V. J. Abraham

SUBJECT

Hamilton Perimeter Road Study - Phase I.

RECOMMENDATION

That the Planning and Development Committee inform the Transport and Environment Committee that the Hamilton Perimeter Road Study is proceeding satisfactorily.

David Godley
for V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

EXPLANATORY NOTE

Phase I of the Perimeter Road Study has established a concept for the proposed road. This report is to bring the Planning and Development Committee up to date and provide planning comments.

BACKGROUND

- The need for a road link from Burlington Street to Highway 403 has been recognized for many years. The idea has been incorporated into both the Regional and City Official Plans.

- The planning benefits of the road are:

  1) The Central Business District will be provided with a traffic bypass and better access. A pleasanter and safer environment will be created in the Central Business District and there will be scope for additional aesthetic improvements. Consequently, the Central Business District will be a more attractive place to invest and the economy will be helped.

  2) An improved access to the bayfront industrial areas north of Barton Street will be provided.

3) A by-pass will remove through traffic from the North End Neighbourhood.

4) Better access to the waterfront park development will be provided.

5) Additional road capacity will abate increasing traffic congestion.

6) Employment would be created both in construction of the facility and through increased economic opportunites.

- The planning impacts of the road are:

  1) Cost - between $55m and $70m.

  2) Environmental impacts particularly on the stretch from Bay Street to Highway 403.

- A major study was carried out in 1978 which established the corridor for the Perimeter Road.

- Phase 1 of the current study dealt with forecast transportation demands, identified problems and opportunities, assessed alternatives and produced a technically recommended concept (attached). Adoption of the concept has been delayed pending more review of alternatives west of Bay Street.

- Phase 2 of the current study is underway and is due to finish during the summer of 1988. It will determine a preliminary design, accurate construction cost estimates, exact property requirements and identification of environmental impacts and methods of mitigation.

PLANNING COMMENTS

- A Perimeter Road would benefit the City both functionally and economically.

- The Central Area is the most important component of the Region. Since a Perimeter Road benefits the Central Area, the construction of the project should be given high priority.

- Interchanges at Bay and Wellington and Victoria will aid traffic circulation around the Central Business District. This will enhance pedestrian amenity and create potential for more environmental upgrading.

- Direct connection between the Perimeter Road and James and John Streets should not be provided since this will attract through traffic along a historic shopping street and into residential areas. However, the design of the roadway will not preclude these ramps and such connection could be considered at some point in the future.

- Access at Bay Street may require the widening of Bay Street and demolition of buildings on either the east or west of Bay Street. This could remove affordable housing and some buildings of interest to LACAC. However, there would be the opportunity for redevelopment and improved urban design at a future entrance to the city.

- The proposed road would be at railway track level as it passes the North End Neighbourhood. This will minimize noise, vibration, air and visual pollution and prevent the North End Neighbourhood being cut off from the area to the south. Detailed design should further mitigate these potential problems.

- The section of the proposed road from Bay to Highway 403 is environmentally sensitive since it impinges on Hamilton Bay and Coote's Paradise. The relatively peaceful west end of the bay may be disturbed. The shoreline route is significantly cheaper than other alternatives, e.g. tunnelling under Hamilton Cemetery. Opportunities exist for providing public access along the waterside, screening to lessen noise and visual impact particularly from the proposed waterfront park and providing fish supporting habitats on the bay edge. Since this section would logically be the final stage of Perimeter Road construction, there will be a chance to review this Section in the future.

- There will be some visual disruption at the interchange of the Perimeter Road and Highway 403 in the Cootes Paradise area.

CONCLUSION

The Perimeter Road study is proceeding satisfactorily.

D.G.:nd

W.P. DOC. 0060P

11(c)

FOR ACTION

FROM Planning and Development Department

DATE January 19, 1988

TO Planning and Development Committee

Refer to File No. DA-87-103 (DA-85-47) NORTH END EAST NEIGHBOURHOOD

Attention Of V. J. Abraham

PROPOSAL

Plans have been submitted to amend previously approved plans of Site Plan Control Application DA-85-47 for a commercial plaza at 574 James Street North. The change involves the addition of a second driveway approval from Burlington Street. The new driveway would provide an entrance only to the plaza from Burlington Street.

BACKGROUND

Plans of Site Plan Control Application DA-85-47 were approved on September 25, 1985 and subsequently the plans finalized and the project constructed. The driveway access to Burlington Street had been included on the initial submission for Site Plan Control Application DA-85-47 and as a condition of approval, the driveway access to Burlington Street was deleted.

The owner has recently processed an application through the Transport and Environment Committee for a second driveway from Burlington Street. At its meeting of October 27, 1987, City Council adopted the following recommendation from the Transport and Environment Committee:

> That a second driveway approach be installed on the south side of Burlington Street east of James Street, to allow an entrance only to the commercial plaza at the south east corner, subject to the agreements of the Planning and Development Committee to make the appropriate modification to site plan DA-85-47 originally approved by City Council in September 1985.

The owner then proceeded with an application to amend the previously approved plan which is presently the subject of this report and application DA-87-103.

The owner has built the driveway access by placing asphalt over the boulevard to the Burlington Street curb. (Planning staff inspection January 1988)

COMMENTS

The attached comments from the Traffic Department and the Hamilton-Wentworth Engineering Department should be noted.

The Traffic Department has indicated that their comments to the Transport and Environment Committee were that the proposed access was unnecessary and may

constitute a hazard due to its proximity to the intersection. As previously noted, City Council adopted the recommendation of the Transport and Environment Committee and allowed a second driveway from Burlington Street as an entrance only.

The Hamilton-Wentworth Engineering Department has indicated that additional grades and cross-sections are required in the area of the access driveway.

The Planning and Development Department would not normally support this application, considering the Traffic Department's comments; however, given that Council has made a decision with regard to the secondary driveway, it is concluded that the Site Plan Control Agreement be revised in accordance with Council's decision.

RECOMMENDATION

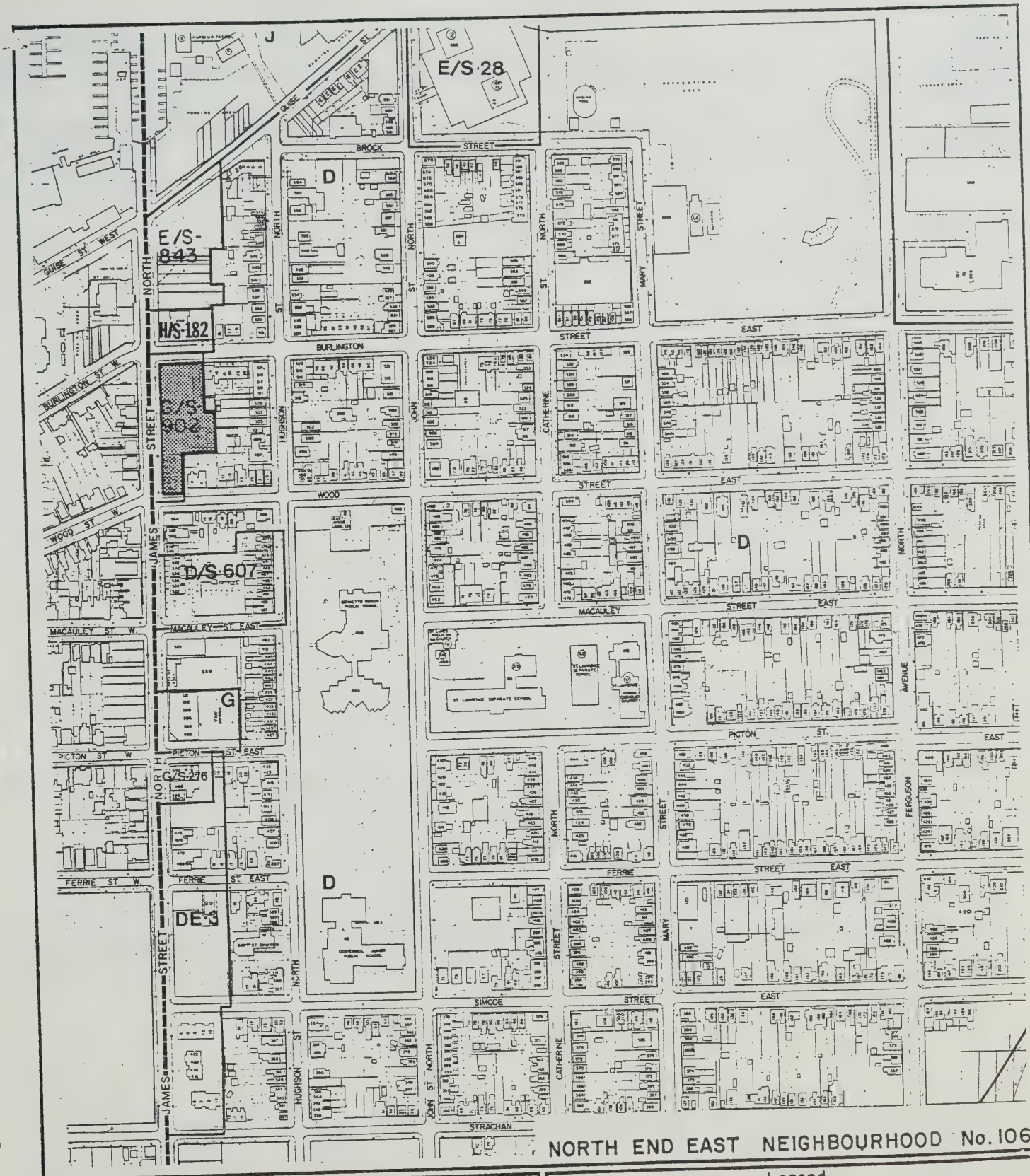
That approval be given to Site Plan Control Application DA-87-103 by Mr. Z. Cwierdizinski and Mr. E. Seidel, owner of the lands at 574 James Street North, to amend approved plans of Site Plan Control Appliction DA-85-47 to provide for an additional access driveway on Burlington Street, subject to the following:

i) submission of a revised grading plan for the access driveway to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department; and,

ii) confirmation that a planting area of $10m^2$ will be provided in the area adjacent to the intersection of James Street North and Burlington Street (By-law requirement 85-64).

Victor J. Abraham, M.C.I.P.
Director of Local Planning

VJA:JM:cab.
0390P



PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL APPLICATION DA-85-47

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

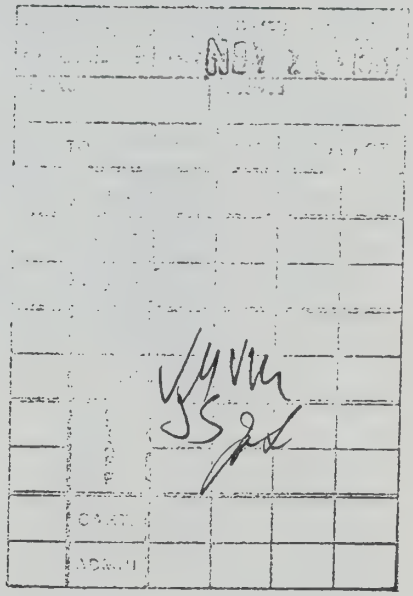
Legend

SITE OF THE APPLICATION

North	Scale	Reference File No.
	1:5000	DA-85-47
	Date	Drawing No.
	September, 1985	85-H-142

THE CORPORATION OF THE CITY OF HAMILTON
City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

1987 November 25



Mr. V.J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Dept.

Attention: Mr. J.J. Zipay

RE: DA-87-103
574 James Street North

Dear Sir:

In response to your letter of 1987 November 12, please be advised that we have reviewed the above-noted application and offer the following comments.

The Traffic Department has made comment regarding this proposed access to the Transport and Environment Committee. It is the opinion of the Department that this access is unnecessary and may constitute a hazard due to its proximity to the intersection and the existing congestion. The result of this meeting was that the Traffic Department was directed to issue a driveway approach permit allowing inbound traffic only.

The applicant should be advised that he must apply to the Traffic Department for a Driveway Approach Approval, the detailed design of which will be prepared by this Department.

Yours truly,

Murray F. Main, P. Eng.
Director of Traffic Services

RK/BF/sb

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering
71 Main Street West, Hamilton, Ont. L8N 3T4 (416) 526-4170

PLANNING & DEVELOPMENT
LOCAL PLANNING BRANCH
File No. E220-1402
NOV 26 1987
Refer to File No. K. A. Brenner
Attention of DA-87-103
Your File No.

TO	STAFF	INIT.	IN
DIR.			
P.P. & A.			
REV.			
DEV.			
E. & U.D.	VM	VM	
STAFF	JS	JS	
	VM	VM	✓
CART.	KB	KB	
ADMIN.			

I.D. #0134D(43)

November 24, 1987

TO: J. Sakala, Planning and Development

FROM: K. A. Brenner, Planning Manager

RE: Site Plan Application DA-87-103 for the Subject Lands at 574 James Street North

Gentlemen:

We have the following comments on the above noted application:

According to our records, the existing road allowance widths of James, Burlington and Wood Streets are 20.12m (66 feet). Therefore no further road allowance widenings are anticipated at this time.

It appears from our records that the encroachment agreements with the City of Hamilton, as specified in our letter dated September of 1985 for DA-85-47 were not completed. ~~Therefore we advise that as a condition of approval that the applicant/owner contact Mr. C. Harason of this Department to make a suitable arrangement for this matter.~~

We recommend that all fencing and vegetation that is within 2.0 metres of the streetline, on private property, be no higher than 0.80m (30 inches) above the center line elevation of the adjacent streets.

The grading plan is insufficient; we require a cross section of the westerly access driveway to Burlington Street (center line road, gutter, sidewalk, street line, 7.5 m south of street line elevations).

K. A. Brenner

PM/FAR:bc

11(d)

FOR ACTION

FROM Planning and Development Department DATE December 23, 1987

TO Planning and Development Committee Refer to File No. DA-87-109
GREENFORD
NEIGHBOURHOOD

Attention Of V. J. Abraham

PROPOSAL

Plans have been submitted to erect a canopy and install new signage for a portion of the building at Queenston Mall. The proposed canopy is to be construction with pre-finished metal cladding and project out from the building three feet. The existing sidewalk below the proposed canopy is five feet. The existing elevation at either end of the plaza, Canadian Tire and Miracle Food Mark will remain the same.

COMMENTS

The existing shopping centre has been established for a number of years and has recently had a change of ownership. The new owners wish to "update" the shopping centre appearance and make various improvements to the complex. The building elevation modification form part of that improvement.

These building elevation changes are within the by-law regulations and do not alter the remainder of the site nor the size of the building. The Planning Department has suggested that the applicant consider extending the canopy over the total sidewalk of 5 feet instead of the 3 feet proposed. This has been taken for consideration, but has been noted that structural requirements may be a limiting factor in extending the canopy further than that proposed.

Since the proposed canopy modification does not alter the overall complex and is considered a relatively minor change, the proposal is satisfactory and should not require the "undertaking" to be signed by the owner.

Further, the registered document on title of the land which specifically controls the building elevation and signage should be discharged since the shopping centre has been established for a number of years and these controls have now been superceded by by-law requirements and Site Plan Control procedures.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-109 by Specialized Properties Inc., owner of the land known as 686 Queenston Road for the erection of a canopy and installation of new sign panels, and that the owner not be required to sign the "undertaking" on the plan; and further, that the following be forwarded to City Council:

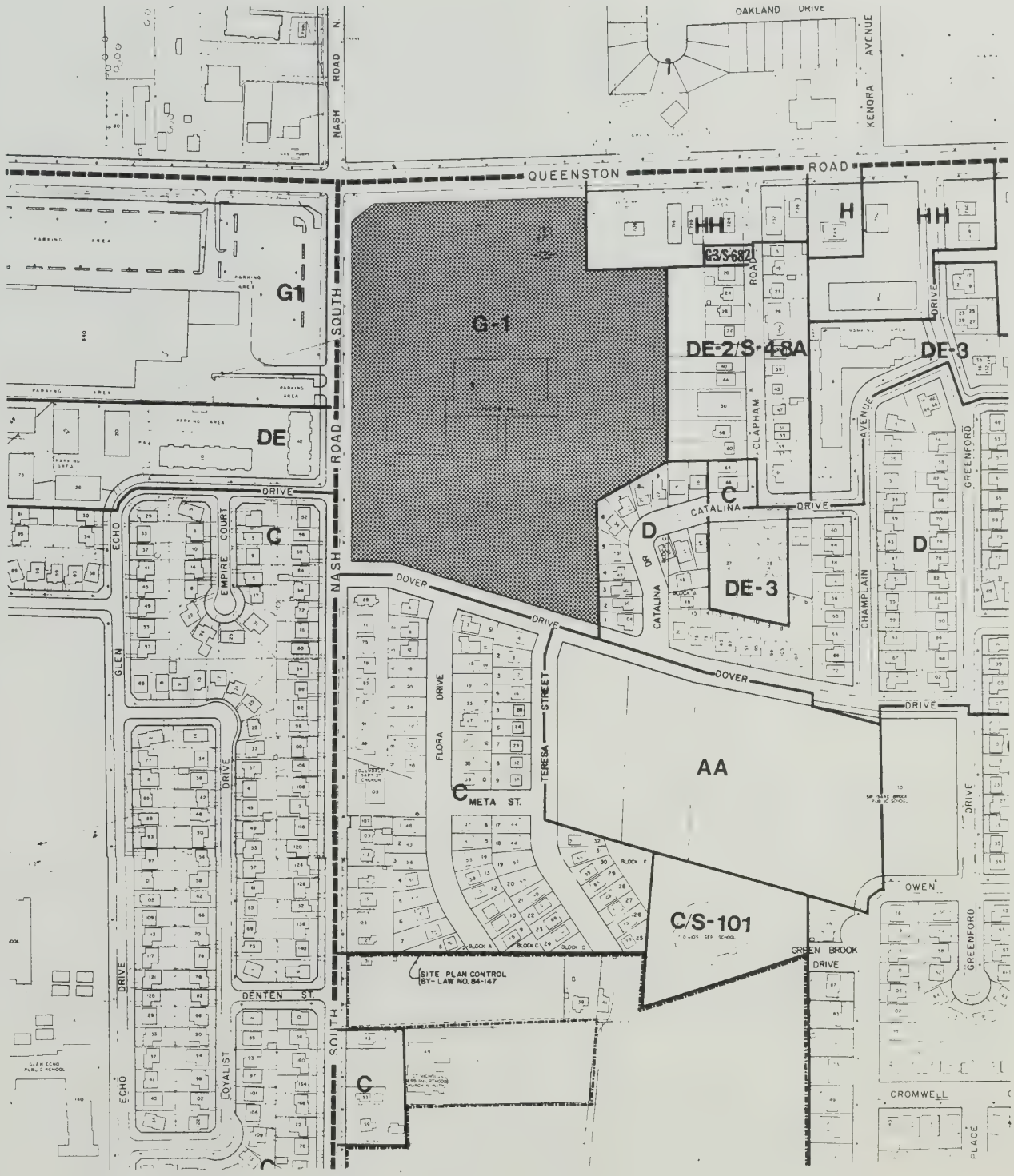
> "Than in regards to Site Plan Control Application DA-87-109 for building elevation changes at 686 Queenston Road, also known as Queenston Mall, that the existing contract agreement registered on title of the land as Instrument No. 14881 LT, on March 16, 1973 be discharged."

EXPLANATORY NOTE

The existing contract registered on title of the land at 686 Queenston Road, controlled the building elevation and signs of the shopping plaza. The processing and controls for these facilities have been superceded by by-law regulations and Site Plan Control requirements. It is, therefore, unnecessary to retain the registered documents pertaining to the building elevations and signage for this plaza.

per Victor J. Abraham, M.C.I.P.
Director of Local Planning

JM/jd



PLAN SHOWING
LANDS SUBJECT TO

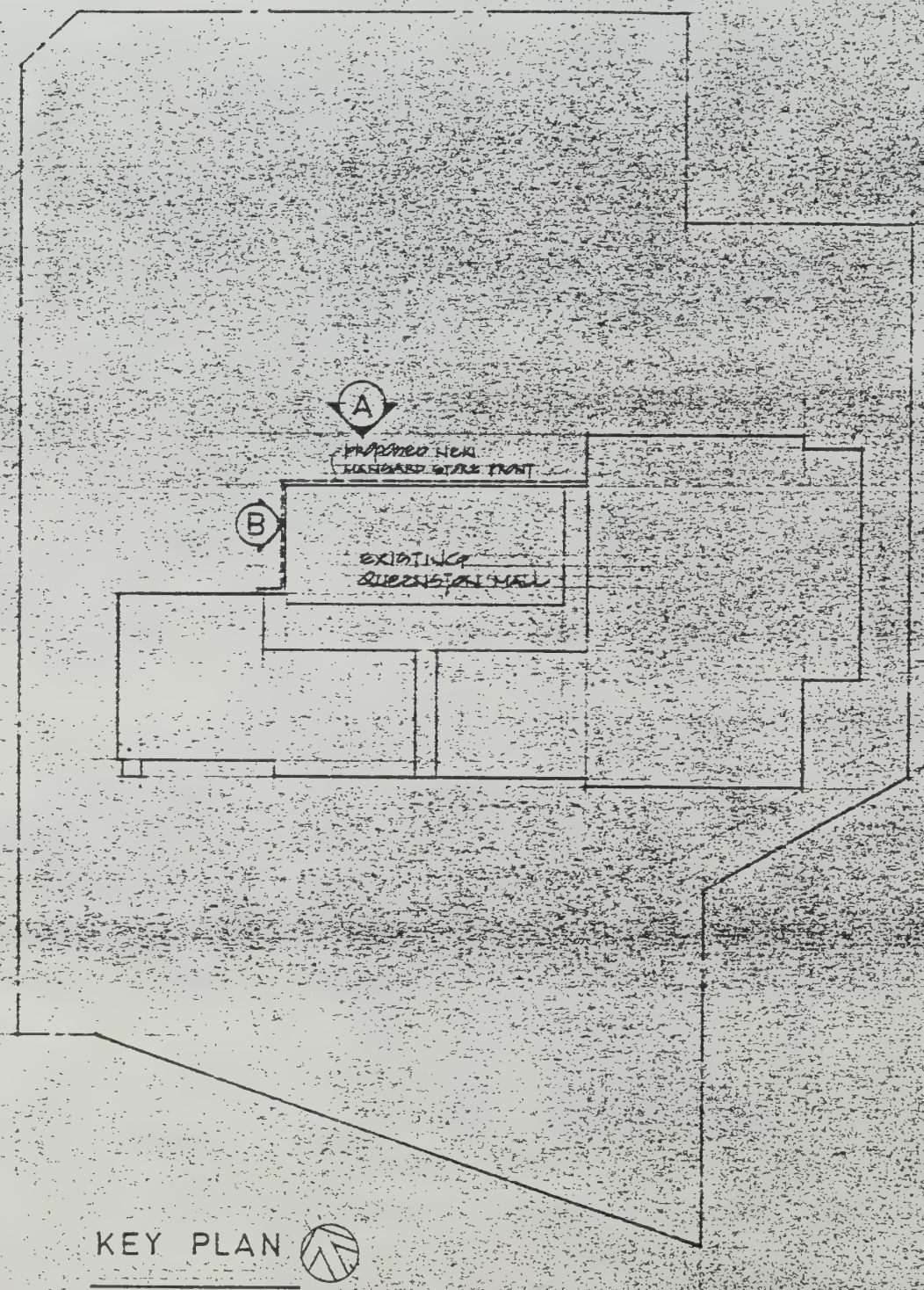
SITE PLAN CONTROL
APPLICATION DA-87-109

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

SITE OF THE APPLICATION

North	Scale	Reference File No.
	1:5,000	DA-87-109
	Date	Drawing No.
	DEC.,1987	87-H-



KEY PLAN

N.T.S.

ONTARIO ASSOCIATION OF ARCHITECTS
JOHN TYMOSHUK
LICENCE
1748

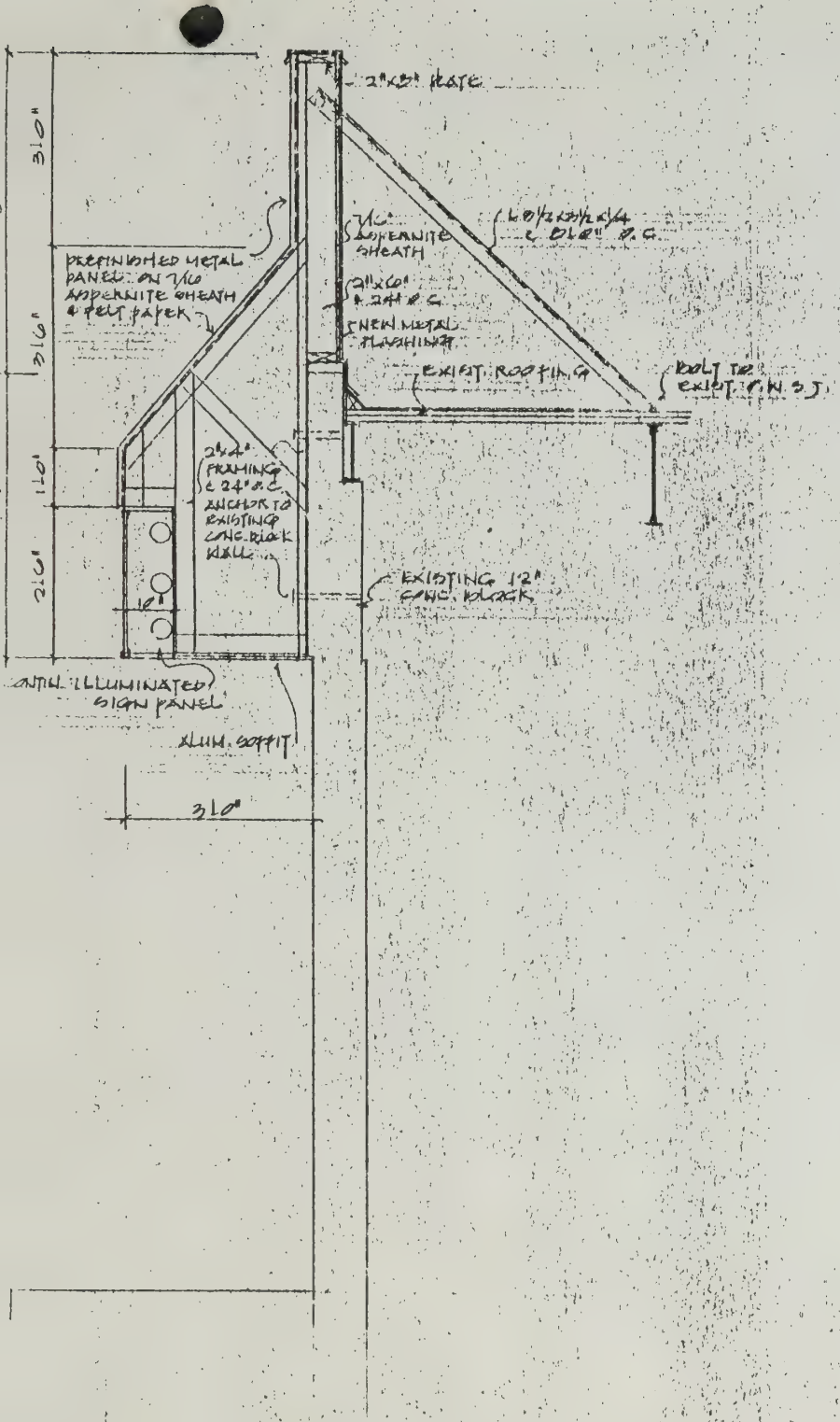
TYMOSHUK & TYMOSHUK
architects

HAMILTON ONTARIO

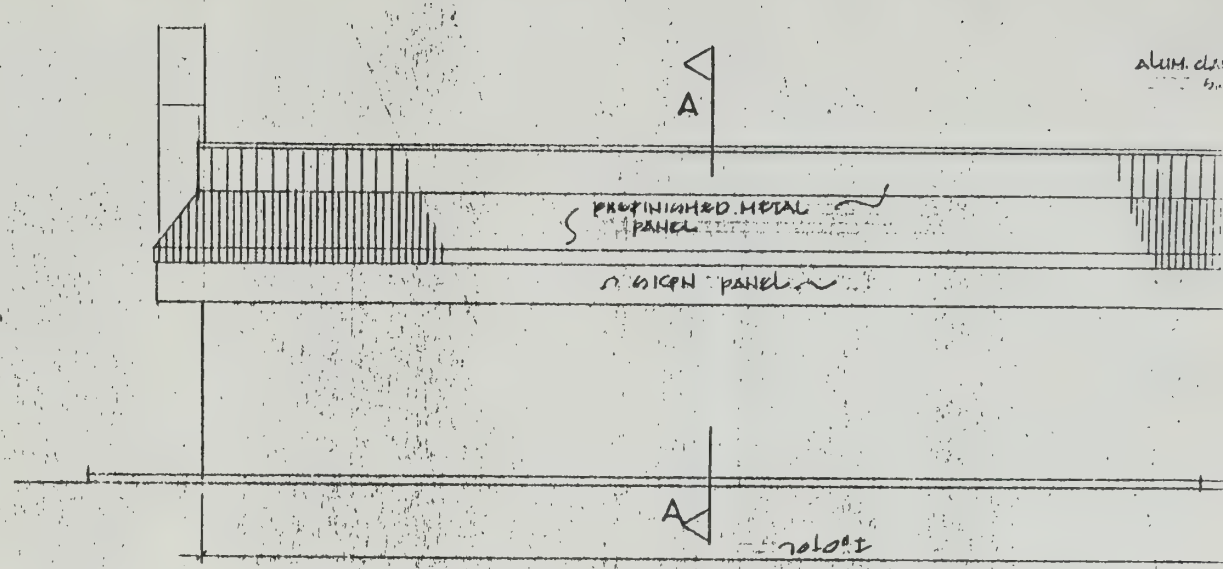
DWG NO

DATE oct. 26, 1987

JOB NO



SECTION A – A



SIDE ELEVATION (B)

11(e.)

FOR ACTION

FROM: Planning and Development Department

DATE: December 3, 1987

TO: Planning and Development Committee

Refer to File No. 25CDM-87013
SA-87-29

Attention V. J. Abraham

SUBJECT

Application to the Region for the approval of a Plan of Condominium, Regional File No. 25CDM-87013, City of Hamilton File No. SA-87-10, to construct 20 townhouse units.

RECOMMENDATION

That approval be given to application SA-87-29, Amadan Investments Ltd., owner, to establish a Draft Plan of Condominium located at the west side of Upper Paradise Road north of the proposed Mountain Freeway, subject to the following conditions:

1. That this approval apply to the plan prepared by MacKay, MacKay & Peters Limited, Ontario Land Surveyors, dated June 30, 1987.

2. That the owner dedicate a 15m wide easement for a berm and for noise purposes along the southerly boundary of this plan of condominium with the northerly boundary of the proposed Mountain Freeway.

3. That the owner agree in writing to satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth.

J. D. Thoms, M.C.I.P.
Commissioner,
Planning and Development

V. J. Abraham, M.C.I.P.
Director,
Local Planning

BACKGROUND

Owner

Amadan Investments Ltd., c/o J. McKeon, Ancaster, Ontario.

Agent and Surveyor

MacKay, MacKay and Peters Ltd., Hamilton, Ontario

Location

The lands, comprising 1.0562 ha, are located at the west side of Upper Paradise Road and north of the proposed Mountain Freeway, in the Fessenden Neighbourhood, in the City of Hamilton.

Proposal

The owner proposes to construct 20 townhouse units within three buildings.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential" and are subject to noise attenuation measures. The proposal complies.

Neighbourhood Plan - the lands are designated "Attached Housing". The proposal complies.

Zoning - the lands are zoned to permit the proposed development and approval was given to Site Plan Control Application DA-87-12 on May 8, 1987.

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the proposal:

Ministry of Citizenship and Culture
Niagara Escarpment Commission
Hamilton Region Conservation Authority
Ontario Hydro, Bell Canada, Union Gas
City of Hamilton Traffic Department (subject to an easement for the existing single-family dwelling)
City of Hamilton Building Department

Hamilton-Wentworth Department of Engineering submitted the following comments and recommendations:

1. Sewers and Watermains are available on Upper Paradise Road for servicing the subject lands.

2. The Developer is to satisfy the Region's financial requirements regarding Regional Lot Levies prior to the release of the Final Plan.

3. The Developer is to dedicate to the Region a 15 metre wide easement for Berm and Noise Barrier purposes along the southerly boundary of the subject lands, if this has not already been completed.

The submitted plan as prepared by MacKay, MacKay and Peters and dated June 30, 1987, is satisfactory subject to the above comments and recommendations.

COMMENTS

1. The conformity of the proposal with the Official Plans and Zoning By-law is noted.

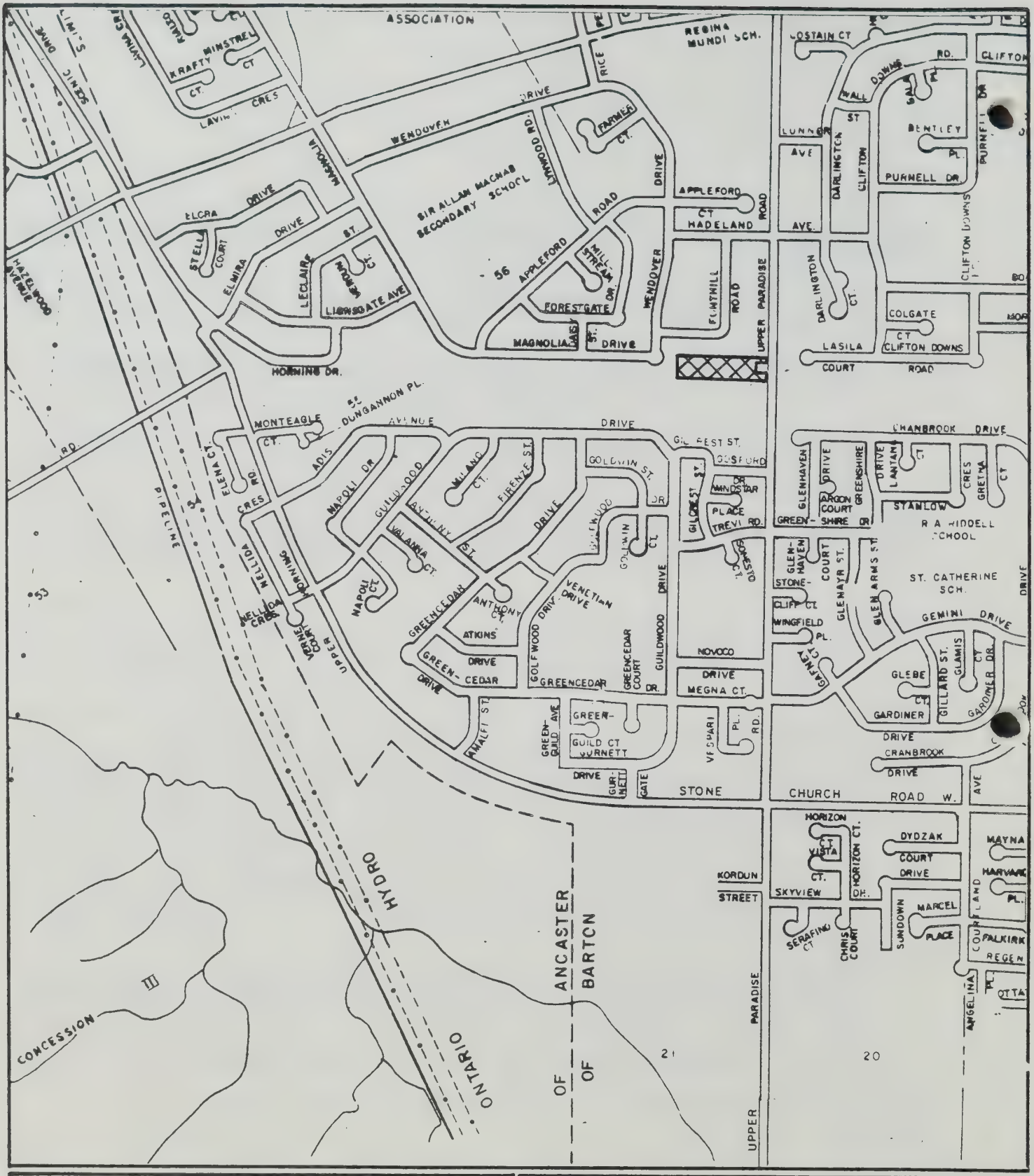
2. No commenting agency has objected to the plan of condominium.

3. The plan of condominium is not a conversion, therefore, it is not subject to the Rental Housing Protection Act of the Provincial Government regarding rental conversions.

4. The requirements of the Ministry of the Environment and a financial agreement with the Region can be implemented through the condition of draft approval by the Regional Municipality.

5. There appears to be a future problem with access to the existing dwelling located on the adjoining property south of the access driveway to the site. Since it would require a condition for lands which are outside of this plan of condominium, no provisions can be made to require an easement for access purposes for the existing dwelling.

JLS/jd



Location Plan For

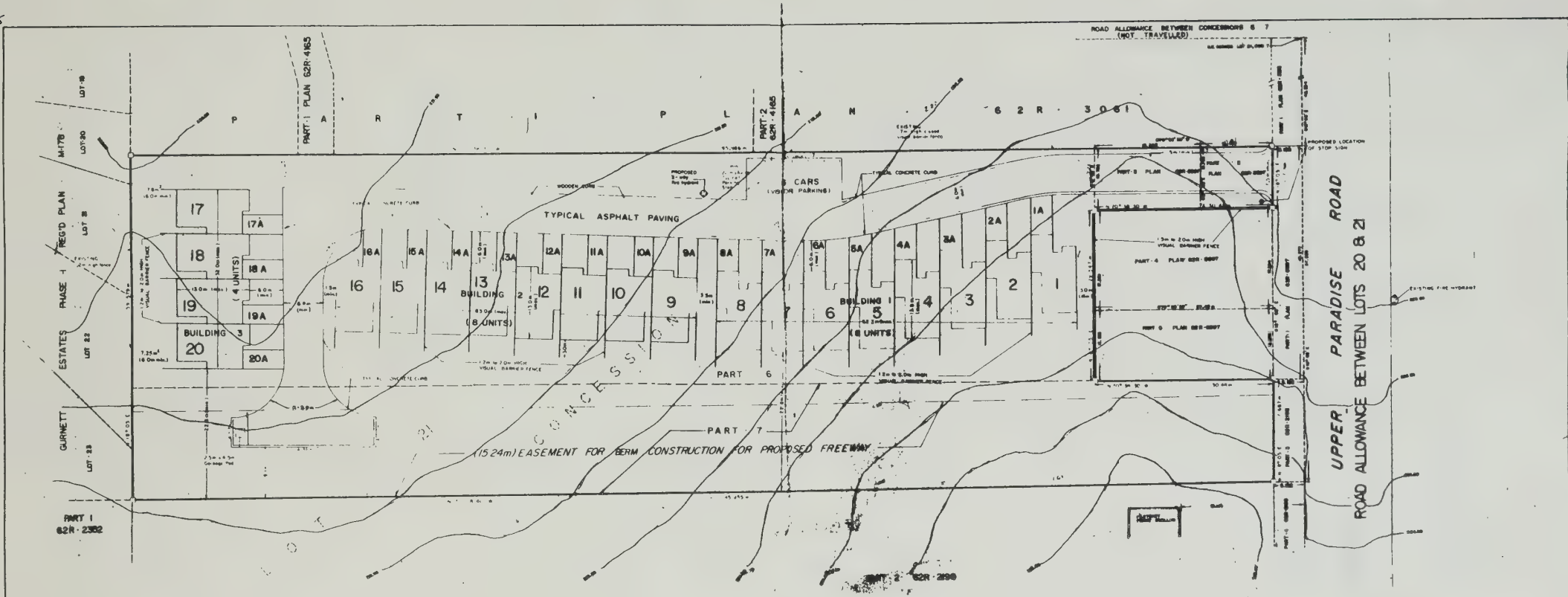
PINE GROVE VILLAGE

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

PROPOSED CONDOMINIUM

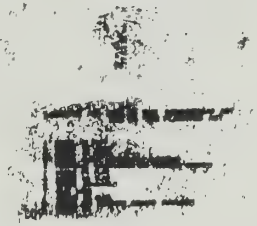
North	Scale	Reference File No.
	N. T. S.	25CDM-87013
	Date	Drawing No.
	AUG. 12, 1987	



DETAILS OF DEVELOPMENT

NET LOT AREA	2.61 ac.	10,500m²
NO. OF UNITS (with garages)	20 (max.)	
DRIVEWAYS	0.37ac.	1,500m²
LANDSCAPED AREA min 40% of LOT AREA	1.74 ac.	7,000m²
NO. OF PARKING SPACES (min.)	20	8 Visitor
BUILDING HEIGHT (max.)	2 storeys	9m

NOTE FIRE ROUTE SIGNS TO BE PLACED ALONG DRIVEWAY

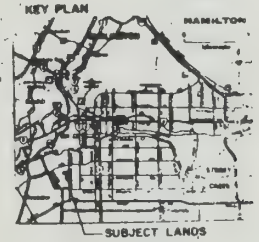


DRAFT PLAN OF CONDOMINIUM
PINE GROVE VILLAGE

BEING
PART OF LOT 21, CONCESSION 7,
FORMERLY IN THE
TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE 1:300

KEY PLAN



OWNER'S CERTIFICATE

I HEREBY AUTHORIZE [illegible] TO SUBMIT THIS PROPOSED PLAN OF CONDOMINIUM TO THE COUNCIL OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH FOR APPROVAL.

HAMILTON, ONT.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE DIVIDED ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

HAMILTON, ONT.

J. DAVID PETERS
ONTARIO LAND SURVEYOR

MACKAY, MACKAY & PETERS LIMITED
ONTARIO LAND SURVEYORS
HAMILTON ONTARIO

11 (P.)

FOR ACTION

FROM: Planning and Development Department

DATE: December 3, 1987

TO: Planning and Development Committee

Refer to File No. 25CDM-87012
SA-87-14

Attention V. J. Abraham

SUBJECT

Application to the Region for the approval of a Plan of Condominium, Regional File No. 25CDM-87012, City of Hamilton File No. SA-87-14, to construct 48 townhouse units.

RECOMMENDATION

That approval be given to application SA-87-14, Spallaci Construction Company Limited, owner, to establish a Draft Plan of Condominium located on the south side of Mohawk Road West and west of Magnolia Drive, subject to the following conditions:

1. That this approval apply to the plan prepared by A. J. Clarke and Associates Ltd., Ontario Land Surveyors, dated April 22, 1987, revised to show side yards of 7.5m.

2. That the owner provide 5 loading spaces as shown on the approved Site Plan Control Application DA-87-27.

3. That the owner agree in writing to satisfy the financial requirements of the Regional Municipality of Hamilton-Wentworth.

J. D. Thoms, M.C.I.P.
Commissioner,
Planning and Development

V. J. Abraham, M.C.I.P.
Director,
Local Planning

BACKGROUND

Owner

Spallaci Construction Company Ltd., Hamilton, Ontario

Surveyor

A. J. Clarke & Associates Ltd., Hamilton, Ontario

Location

The lands, comprising 1.301 ha, are located on the south side of Mohawk Road West and west of Magnolia Drive, in the Fessenden Neighbourhood in the City of Hamilton.

Proposal

The owner proposes to construct 48 townhouse units within 8 buildings.

EXISTING DEVELOPMENT CONTROL

Hamilton-Wentworth Official Plan - the lands are identified as "Existing Development" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated "Residential - attached housing". The proposal complies.

Zoning - the lands are zoned to permit the proposed development and the proposal received Site Plan Approval on June 26, 1987.

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the proposal:

Ministry of the Environment (subject to standard noise conditions)
Ministry of Citizenship and Culture
Niagara Escarpment Commission
Hamilton Region Conservation Authority
Ontario Hydro, Union Gas, Bell Canada
City of Hamilton Building Department
City of Hamilton Traffic Department

Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

"1. Sewers and Watermains are available on Mohawk Road West, Elora Drive and the easement along the easterly boundary for servicing the subject lands.

2. The Developer is to satisfy the Region's financial requirements regarding Regional Lot Levies prior to the release of the Final Plan.

The submitted plan, as prepared by A. J. Clarke and Associates and dated April 22, 1987, is satisfactory, subject to the above comments and recommendations."

COMMENTS

1. The conformity of the proposal with the Official Plans and Zoning By-law is noted.

2. No commenting agency has objected to the plan of condominium.

3. The plan of condominium is not a conversion, therefore, is not subject to the Rental Housing Protection Act of the Provincial Government regarding rental conversions.

4. The requirements of the Ministry of the Environment and a financial agreement with the Region can be implemented through the condition of draft approval by the Regional Municipality.

JLS/jd



Location Plan For

VIVIAN COURT CONDOMINIUM

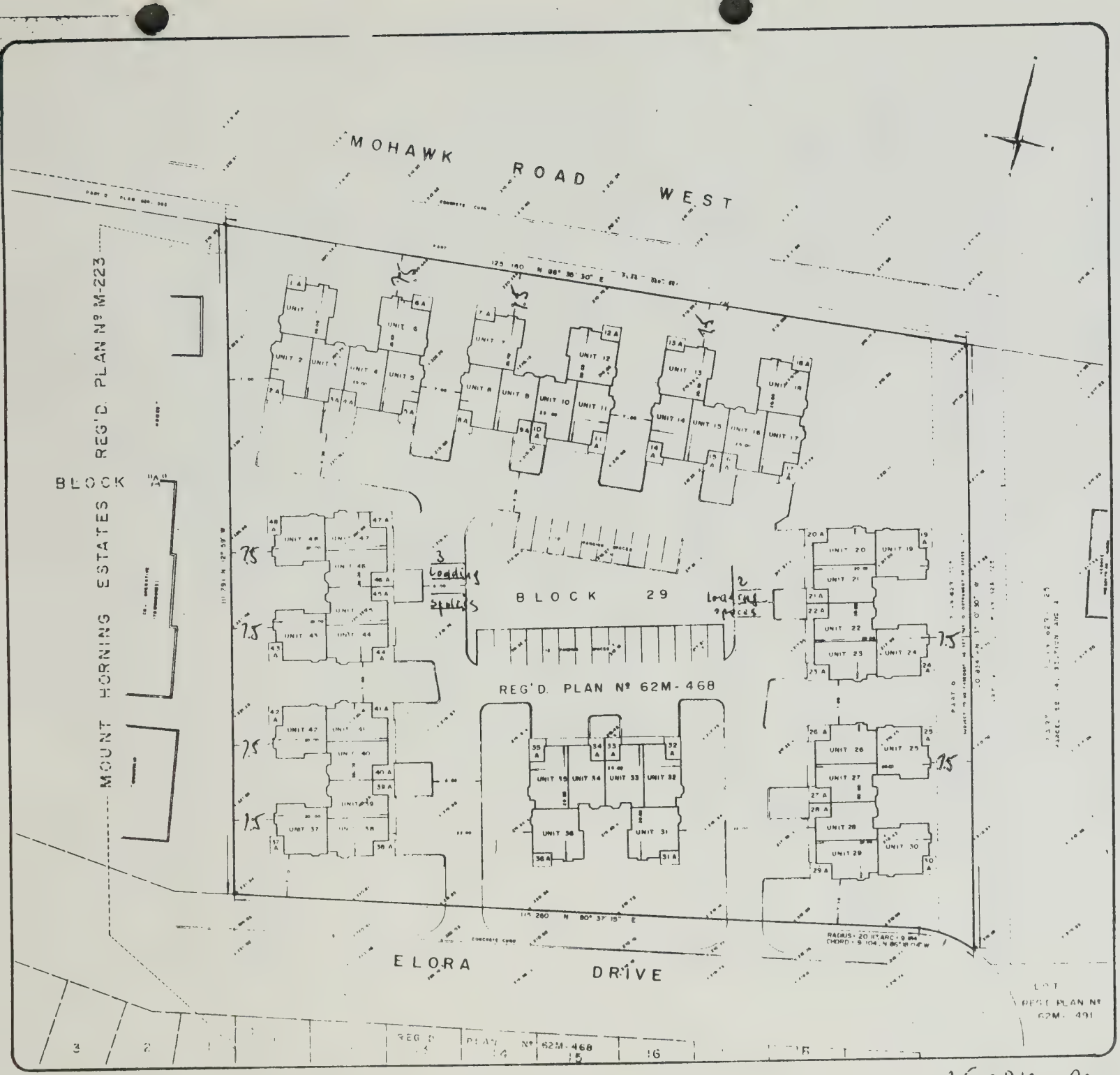
BEING A PROPOSED CONDOMINIUM PROJECT OF
BLOCK 29
CHATEAU ESTATES-PHASE 2
REGISTERED PLAN Nº 62M-468
IN THE
CITY OF HAMILTON

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

PROPOSED CONDOMINIUM

North	Scale	Reference File No.
	1" = 1000	25CDM-87012
	Date	Drawing No.
	MAY 26,1987	



KEY PLAN

DRAFT PLAN OF:

VIVIAN COURT CONDOMINIUM

BEING A PROPOSED CONDOMINIUM PROJECT OF
BLOCK 29
CHATEAU ESTATES-PHASE 2
REGISTERED PLAN 62M-468
IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE: 1:500

A.J. Clarke & Ass. Ltd. 1987

NOTE THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT

METRIC DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

RE CHAPTER 349-RSO-1980 SECTION 36(2) THE PLANNING ACT

A SHOWN ON PLAN
B SHOWN ON PLAN
C SHOWN ON PLAN
D SEE SCHEDULE
E SHOWN ON PLAN
F SHOWN ON PLAN
G SHOWN ON PLAN
H MUNICIPAL PIPED WATER AVAILABLE
I CLAY LOAM
J SHOWN ON PLAN
K MUNICIPAL SERVICES AVAILABLE
L SHOWN ON PLAN

SURVEYOR'S CERTIFICATE

I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN

APRIL 22, 1987
DATE

A.J. CLARKE
ONTARIO LAND SURVEYOR

OWNER'S AUTHORIZATION

WE, SAN LACCI CONSTRUCTION COMPANY LIMITED BEING THE REGISTERED OWNERS OF THE SUBJECT LANDS HEREBY AUTHORIZE A.J. CLARKE AND ASSOCIATES TO PREPARE AND SUBMIT THIS DRAFT PLAN OF CONDOMINIUM TO THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH FOR THEIR APPROVAL

APRIL 16, 1987
DATE

SAN LACCI
AUTHORIZED SIGNATORY

SCHEDULE

TOTAL AREA OF PROJECT = 1.801 HECTARES
TOTAL NUMBER OF UNITS = 36 (INCLUDING 36 GARAGES) 36 UNITS
TOTAL NUMBER OF ADDITIONAL PARKING SPACES 36 SPACES
36 UNITS WITH PATIO AREA

A.J. Clarke & Associates
PROFESSIONAL ENGINEERS & ONTARIO LAND SURVEYORS
BARTON ST. EAST, STONEY CREEK, ONTARIO

25CDM-87012 SA-87-14

11(9)

FOR ACTION

FROM: Planning and Development Department

DATE: December 18, 1987

TO: Planning and Development Committee

Refer to File No. 25T-87037
SA-87-28

Attention V. J. Abraham

SUBJECT

Application to the Region for approval of a draft plan of subdivision, Regional File No. 25T-87037, City of Hamilton File No. SA-87-28, to establish 73 lots for single-family dwellings, two blocks for development with adjoining lands, two blocks for 0.3m reserves and a block for a road widening.

RECOMMENDATION

a) That approval be given for application SA-87-28, G. Filice, owner, to establish a draft plan of subdivision east of Upper Paradise Road and north of Rymal Road, subject to the following conditions:

1. That this approval apply to the plan proposed by MacKay, MacKay and Peters, Limited, dated July 9, 1987, revised to show 74 lots, five blocks for development with adjoining lands, three blocks as a 0.3m reserve, one block as a road widening and a realignment of proposed Filice Court and proposed Donnici Avenue.

2. That the road allowances and the widening for Rymal Road (Block "76") be dedicated as public highway on the final plan.

3. That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

4. That the final plan conform with the City of Hamilton Zoning By-law.

5. That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.

6. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

7. That the open sides of the road allowances created by the plan be terminated in 0.3m reserves (Blocks "77" and "80") to be conveyed to the City of Hamilton and be held by the City until required for the future development of adjacent lands.

8. That Block "78", a 0.3m reserve, be conveyed to the City of Hamilton.

9. That Blocks "75", "79", "81", "82" and "83" be developed only in conjunction with adjacent lands.

10. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot in the final plan.

11. That the owner shall erect a sign in accordance with Section X of the Subdivision Agreement prior to the issuance of final release by the City of Hamilton.

12. That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

b) That a subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-87-28), G. Filice, owner, proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

V. J. Abraham, M.C.I.P.
Director - Local Planning

BACKGROUND

Owner

G. Filice, Hamilton, Ontario

Surveyor

MacKay, MacKay and Peters Ltd., Hamilton, Ontario

Location

The lands, comprising 6.8815 ha, are located at the north side of Rymal Road and east of Upper Paradise Road, Falkirk East Neighbourhood, in part of Lot 20, Concession 8, Township of Barton, now in the City of Hamilton.

Proposal

The owner proposes to subdivide the lands into 73 lots for single-family dwellings, two blocks for development with adjoining lands, road widening and a 0.3m reserve. The lots will be serviced from Rymal Road and from the proposed roads. The minimum lot size would have a width of 15m and an area of about 686m^2.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

Zoning - the lands are zoned "AA" (Agricultural) and require an amendment to the Zoning By-law to permit the proposed development.

Neighbourhood Plan - the lands are designated "Residential - single and double". The proposal requires a change to the road alignment to accommodate development of lands of the draft approved plan of 25T-83017, "Rymal Estates".

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection towards the proposal:

Ministry of Municipal Affairs
Ministry of Transportation
Ministry of the Environment (subject to standard conditions for Lots 8 -22)
Ministry of Culture and Communications (subject to standard conditions)
Niagara Escarpment Commission
Hamilton Region Conservation Authority
Ontario Hydro, Bell Telephone
City of Hamilton Board of Education
City Traffic Department
City Building Department (subject to rezoning).

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

"1. Provisions be made for the future streets across Block "74" to service the lands to the north of Block "74".

2. The road widening along Rymal Rd. be changed to 4.89m.

3. The centre line radius of Ricciullo Drive in the vicinity of Lots 42 to 50 be greater than 110m. It is also recommended that a 30m tangent be introduced between the reversed curves.

4. A 9m radius be introduced at Lot 28 and 34 where the circle of the cul-de-sac starts.

5. The intersections of Donnici Avenue and Danson Drive should be realigned.

6. The plan is to be registered after Rymal Estates to the east has been registered and the Rymal Road sanitary and storm sewers have been approved for construction.

7. The subdivider enter into a City and Regional subdivision agreement.

8. Water service is now available and sewer service will be available upon the servicing of Rymal Road and Rymal Estates. This will likely take place in 2-3 years.

9. We expect a Regional share of $100,000.

10. Block 77 is not required for engineering purposes.

11. This owner should consider establishing a 0.3m reserve along Rymal Road to avoid through lots under the zoning By-law."

COMMENTS

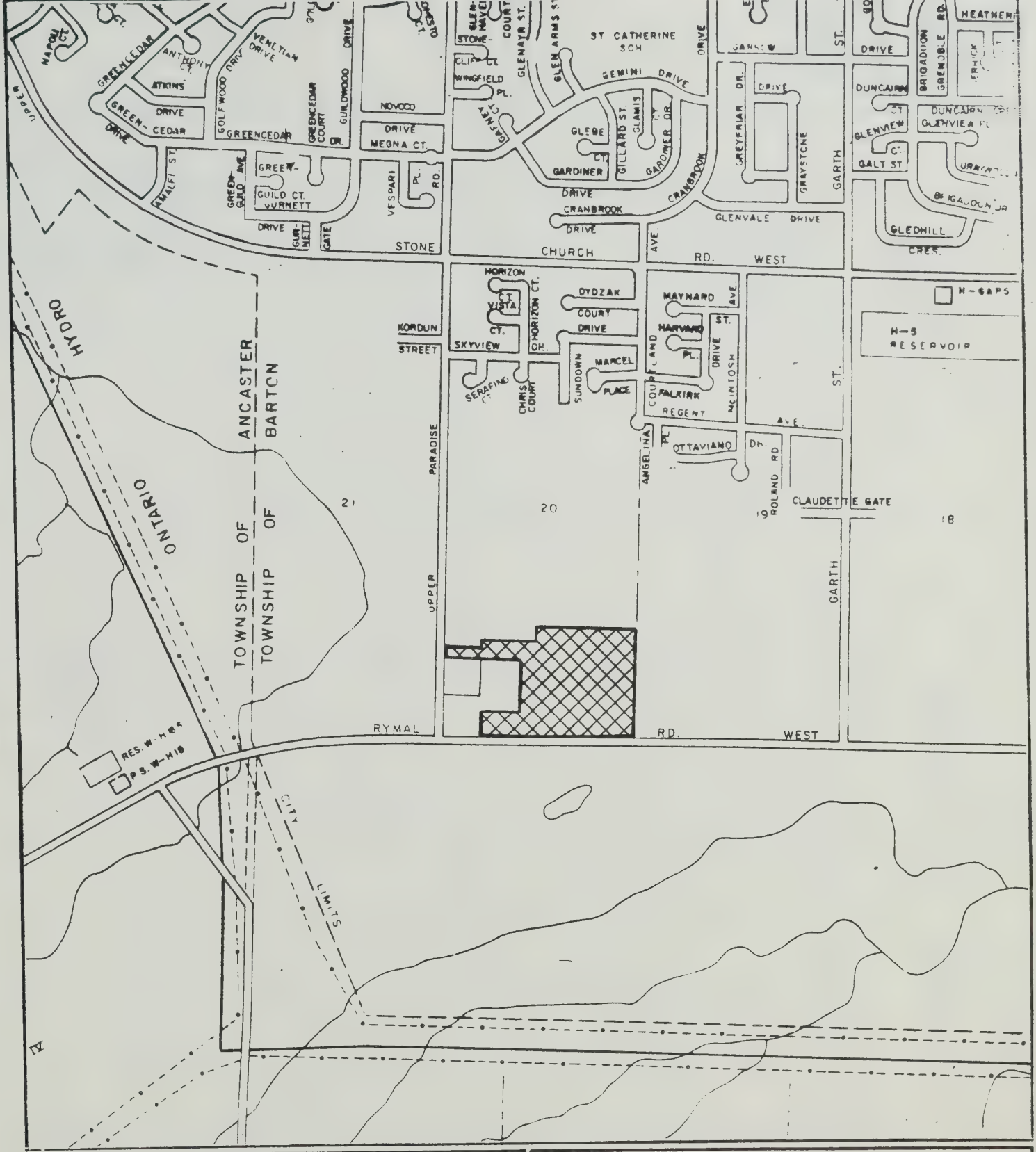
1. The conformity of the proposal with the Official Plans and the need for an amendment to the Zoning By-law is noted.

2. As no part of the subject lands is designated for park and recreational use on the approved neighbourhood plan, it is recommended that the parkland requirement for this subdivision be taken as cash-in-lieu of land.

3. The proposed plan requires a rezoning application to permit the proposed development.

4. The requirements of the Ministry of the Environment and the Ministry of Culture and Communications can be implemented through the conditions of draft approval by the Regional Municipality of Hamlton-Wentworth.

JLS/jd



Location Plan For

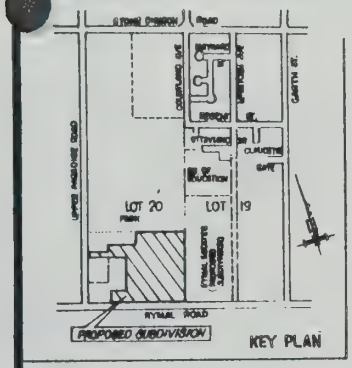
PART OF LOT 20 CONCESSION 8
IN THE FORMER
TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

PROPOSED SUBDIVISION

North	Scale	Reference File No.
	N. T. S.	25T-87037
	Date	Drawing No.
	AUG. 13, 1987	



DRAFT PLAN OF SUBDIVISION OF

PART OF LOT 20 · CONCESSION 8
IN THE FORMER
TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH

SCALE 1:1000

J. DAVID PETERS O.L.S.
1987

METRIC
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

PARCEL
INST 14974 AB & 14975 AB

INST 34601 AB

INST 44421

BLOCK 74

BLOCK 77 0.800 RESERVE

INST 37300 AB

BLOCK 75

BLOCK 76

PICCOLLO DRIVE

CONCESSION AVENUE

BARTON AVENUE

DANSCAN DRIVE

SPAGARA DRIVE

PROJECTED SUBDIVISION - RYMAL ESTATES

LOT 20

DAY CARE CENTRE

62R-5686

PART

UPPER PARADISE ROAD

ROAD ALLOWANCE BETWEEN LOTS 20 AND 21

LOT 19

LOT 23

LOT 24

LAND USE
LOTS 1 TO 76 - SINGLE FAMILY

RYMAL ROAD

ROAD ALLOWANCE BETWEEN THE TOWNSHIPS OF BARTON AND GLANFORD

REQUIREMENTS OF THE PLANNING ACT, 1983
CHAPTER 1 SECTION 50 - (2)

A SEE PLAN
B SEE PLAN
C SEE PLAN
D SINGLE FAMILY - RESIDENTIAL
G RESIDENTIAL & RECREATIONAL
P SEE PLAN
Q SEE PLAN
W WATER AVAILABLE
T CLAY LOAM
J SEE PLAN
K ALL SERVICES AVAILABLE
L MONT

OWNER'S CERTIFICATE

I HEREBY AUTHORIZE MACKAY, MACKAY & PETERS LIMITED TO SUBMIT THIS PROPOSED PLAN OF SUBDIVISION TO THE COMMON OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH FOR APPROVAL.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

MACKAY, MACKAY & PETERS, LIMITED

S-6774

11(5)

F O R A C T I O N

From: PLANNING AND DEVELOPMENT DEPARTMENT Date: January 7, 1987

To: PLANNING AND DEVELOPMENT COMMITTEE Refer to File No. 25T-87028

SA-87-22

Attention: V. J. Abraham

SUBJECT

Application to the Region for approval of a draft plan of subdivision, Regional File No. 25T-87028, City of Hamilton File No. SA-87-22, to establish 146 lots for single-family dwellings, one block for a road widening, one block for a 0.3 m reserve and two blocks for development in conjunction with adjacent lands.

RECOMMENDATION

a) That approval be given to Application SA-87-22, P. Barnett Construction Limited and 448947 Ontario Limited, owners, to establish a draft plan of subdivision, north of Rymal Road and generally west of Templemead Drive, subject to the following conditions:

1. That this approval apply to the plan prepared by A. J. Clarke and Associates Limited dated June 19, 1987, revised to show 146 lots, two blocks for development in conjunction with adjoining lands, a 110 m centreline radius for the road at the front of lots 127 to 131 and Lots 2 to 14, one block for a road widening and four blocks for 0.3 m reserves.

2. That the road allowances and the widening (Block "147") be dedicated as public highways on the final plan.

3. That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

4. That the final plan conform with the Zoning By-law approved under The Planning Act.

5. That the owners make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.

6. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

7. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot on the final plan.

8. That the owners acquire Rita Avenue, Templemead Drive and Mount Pleasent Drive to their full width and include those areas as the required roads in the final plan.

9. That blocks "148" and "151" be developed only in conjunction with adjacent lands.

10. That blocks "149", "153", and "154" created by the plan as a 0.3 m reserve be conveyed to the City of Hamilton.

11. That the owners shall erect a sign in accordance with Section X of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

12. That Final Approval for this plan of subdivision not be given prior to the establishment of the Twenty Mile Creek Sanitary Trunk Sewer.

13. That the owners agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

14. That blocks "150" and "152" created by the plan as 0.3 m reserves be conveyed to the Regional Municipality of Hamilton-Wentworth.

b) That a subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-87-22), P. Barnett Construction Limited and 448947 Ontario Limited, owners, proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

c) That the Templemead Neighbourhood Plan be amended to show the revised road location.

J. D. Thoms, M.C.I.P.
Commissioner, Planning and Development

V. J. Abraham, M.C.I.P.
Director of Local Planning

BACKGROUND

Owners

P. Barnett Construction Limited, and 4548947 Ontario Limited, Hamilton, Ontario.

Surveyor

A. J. Clarke and Associates Limited, Hamilton, Ontario.

Location

The lands, comprising 9.03 ha, are located north of Rymal Road East and east of Templemead Drive, in the Templemead Neighbourhood, City of Hamilton.

PROPOSAL

The owner proposes to subdivide the lands into 146 lots for single-family dwellings to be serviced from the proposed roads. The minimum lot size would have a width of 12.2 m and an area of 372 m^2.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Area". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

Zoning - the lands are zoned to permit the proposed development.

Neighbourhood Plan - the lands are designated "Residential-single and double housing". The neighbourhood road pattern would have to be adjusted at the time Council endorses the approval of this plan of subdivision.

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the proposal:

Ministry of Municipal Affairs
Ministry of Transportation
Ministry of the Environment (subject to standard conditions for Lots 118 to 121 inclusive)
Ministry of Natural Resources
Ministry of Culture and Communications
Niagara Escarpment Commission
Hamilton Region Conservation Authority
Ontario Hydro, Union Gas
City of Hamilton Board of Education
City Traffic Department. (subject to centreline radius adjustment)
City Building Department

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

"1) Servicing of Lots 1 to 126 in this subdivision with sewers, is dependant on sewers being installed on Templemead Drive up to the south-easterly boundary of this Plan. We recommend that the Final Plan not be released for registration until these sewers have been made available. We will also likely require a watermain to be installed in this location at the same time as the sewer.

2) Lots 127 to 146 will have to await the development of the lands to the north so that sewer services can be provided up to the limit of these lands. We recommend that the Final Plan for these lands not be released for registration until the lands to the north have been developed.

3) We recommend that the remaining lands of the Developer, which are located in the south-west corner of this development (south of Lots 121 to 126) be included in the approved draft plan and subsequently in a Final Plan of Subdivision. In the event that these lands are not included in a Final Plan of Subdivision, then the Developer should be advised that these lands will be treated, from an engineering and financial standpoint, as if the lands were included in a plan of subdivision, when they are developed at the site plan stage.

4) There will be a Region's share for oversized watermains in this subdivision. The estimated Regional cost is $10,000. There will also be a Regional share for watermains associated with future development adjacent to the lands in this plan. The estimated cost is $37,500. and will be recoverable in the future.

5) We do not expect that there will be any Regional share for oversized sewers in this subdivision. However, there will be a Regional share for sewers associated with future developement adjacent to the lands in this plan. The estimated cost is $125,000. and will be recoverable in the future.

6) The applicant is required to dedicate sufficient lands for road widening purposes, along Upper Gage Avenue to establish the property line at 18.29 metres (60 feet) from the centreline of the original road allowance.

7) A 0.3 metre reserve along the rear of Lots 118 to 121 (inclusive) is not required from an Engineering or Transportation point of view. However we recommend that the establishment of a reserve in this location will be considered from a Zoning standpoint, in order that these lots will not be considered as "through lots". The Reserve, if required, is to be transferred to the Region at the time of development.

8) Mount Pleasant Drive adjacent to Lots 23, 24, 64 and Lots 72 to 82, Templemead Drive adjacent to Lots 127, 131 and 135 to 140, and Rita Avenue adjacent to Lots 141 to 146 are all to be established to their full widths prior to or in conjunction with the development of these lots.

9) Open sides and dead-ends of the road allowances are to be terminated with 0.3 metre reserves.

10) The mid-block collector street adjacent to Lots 131 to 134 is to align centreline to centreline with the proposed mid-block collector street on the west side of Upper Gage Avenue.

11) The centreline radii of Templemead Drive adjacent to Lots 4 to 12 (inclusive), and Lots 127 to 131 (inclusive) do not conform to our geometric roadway design standards which require the centreline radius to be a minimum of 110 metres. Therefore, we recommend this roadway be revised to conform to these standards. This will also result in adjustments to the property lines of the lots in the plan.

12) We recommend that Rita Avenue and Templemead Drive align centreline to centreline with those streets which are either existing or have been draft approved to the north of this plan. Also, Templemead Drive at the south-easterly corner of the plan must align with the portion of Templemead Drive which has been draft approved under Plan 25T-80007. The centreline radius must also be a minimum of 110 metres at this point.

13) We recommend that all property line transitions into cul-de-sacs be established with minimum 9 metre radii.

14) The cul-de-sac width adjacent to Lots 113 to 126 is to be established at 20.0 metres and not 18.3 metres as shown.

15) The Developer is to enter into subdivision agreements with both the City of Hamilton and the Region of Hamilton-Wentworth prior to the development of any portion of the subject lands.

16) The submitted plan as prepared by A. J. Clarke, O.L.S. and dated June 23, 1987 is satisfactory to the Department of Engineering, subject to the above-noted comments and recommendations.

COMMENTS

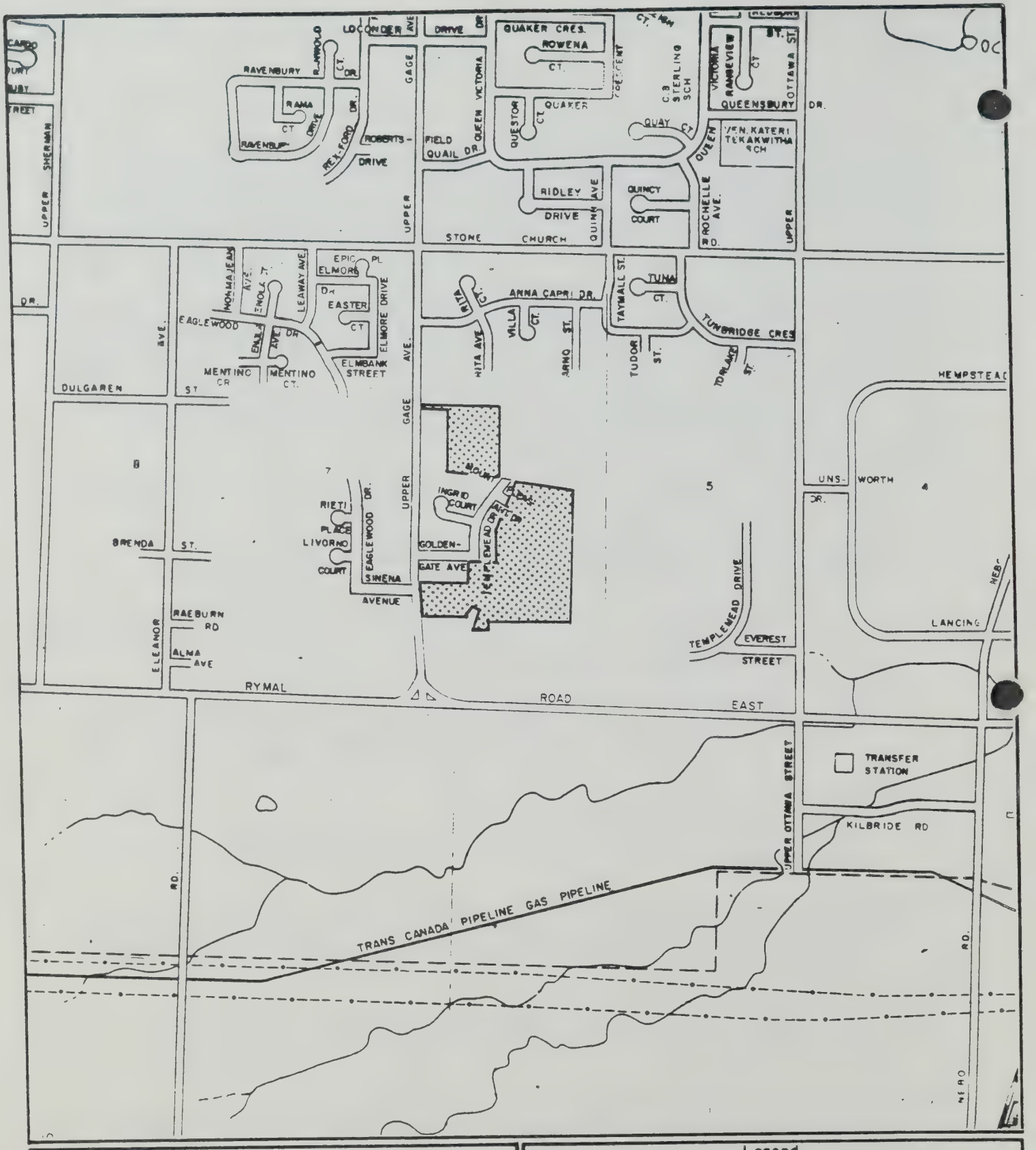
1. The conformity of the proposal with the Offical Plans and the Zoning By-law is noted.

2. As no part of the subject lands are designated for park and recreational use on the approved neighbourhood plan, it is recommended that the parkland requirement for this subdivision be taken as cash-in-lieu of land.

3. The required full road allowances would have to be incorporated in the final plan for part of proposed Rita Avenue, Templemead Drive and Mount Pleasant Drive.

4. The requirement of the Ministry of Culture and Communication can be implemented through the condition of draft approval by the Regional Municipality.

JLS:dc



Location Plan For

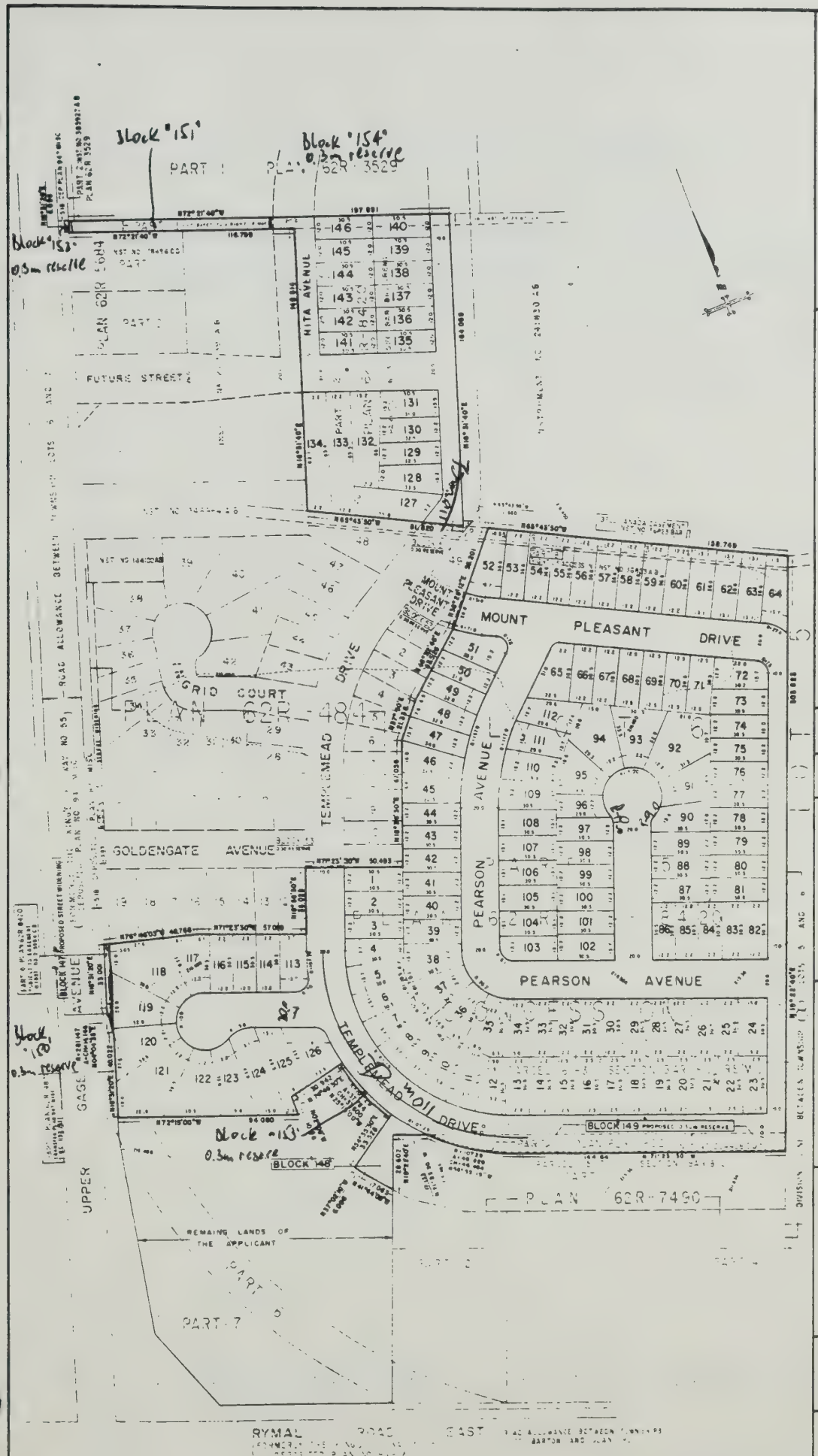
TEMPLEMEAD NO.1 SURVEY - PHASE 2

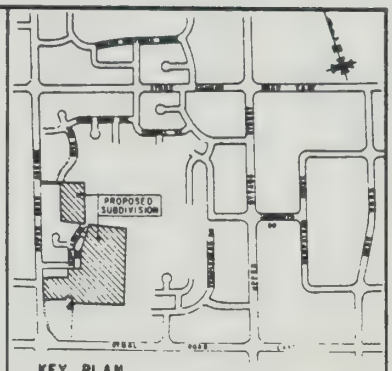
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

PROPOSED SUBDIVISION

North	Scale	Reference File No.
	N. T. S.	25T-87028
	Date	Drawing No.
	JULY 13, 1987	





KEY PLAN
SCALE 1 : 10000

DRAFT PLAN OF

TEMPLEMEAD NO. 1 SURVEY

PHASE TWO

BEING A PROPOSED SUBDIVISION OF

PART OF LOT 6, CONCESSION 8

(GEOGRAPHIC TOWNSHIP OF BARTON)

CITY OF HAMILTON

REGIONAL MUNICIPALITY OF
HAMILTON - WENTWORTH

SCALE 1 : 1000

A.J. CLARKE O.L.S.
1987

NOTE
THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT

METRIC
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

SURVEYOR'S CERTIFICATE

I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN

JUNE 23, 1987
DATE

A.J. CLARKE Ontario Land Surveyor

OWNER'S AUTHORIZATION

P. BARNETT CONSTRUCTION LIMITED AND HADDAY ONTARIO LIMITED, BEING THE REGISTERED OWNERS OF THE SUBJECT LANDS, HEREBY AUTHORIZE A.J. CLARKE AND ASSOCIATES TO PREPARE AND SUBMIT THIS DRAFT PLAN OF PROPOSED SUBDIVISION TO THE REGIONAL MUNICIPALITY OF HAMILTON WENTWORTH FOR THEIR APPROVAL

JUNE 9 1987
DATE

Perry Barnett
P. BARNETT PRESIDENT
P. BARNETT CONSTRUCTION LIMITED

Norman Gess
NORMAN GESS PRESIDENT
HADDAY ONTARIO LIMITED

RE. CHAPTER 349 R.S.O. 1980
SECTION 36 (2) - THE PLANNING ACT

A SHOWN ON PLAN	G SHOWN ON PLAN
B SHOWN ON PLAN	H MUNICIPAL PIPED WATER AVAILABLE
C SHOWN ON PLAN	I CLAY LOAM
D SEE SCHEDULE	J SHOWN ON PLAN
E SHOWN ON PLAN	K MUNICIPAL SERVICES TO BE INSTALLED BY SUBDIVIDER
F SHOWN ON PLAN	L NONE

SCHEDULE

TOTAL AREA OF SUBDIVISION 9.030 ha (22.313 Acres)
LOTS 1 TO 146 SINGLE FAMILY BUILDING LOTS
BLOCK 148 TO BE DEVELOPED IN CONJUCTION WITH ADJACENT LANDS

NOTE

BEARINGS SHOWN HEREON ARE ASTRONOMIC AND ARE REFERRED TO THE EASTERN LIMIT OF UPPER GAGE AVENUE ON A COURSE OF N 6°51'20"E AS SHOWN ON PLAN 62R 6420

A.J. Clarke & Associates
PROFESSIONAL ENGINEERS AND ONTARIO LAND SURVEYORS
SUITE 100 100 JAMES STREET SOUTH HAMILTON ONTARIO L8P 3A6

11 (i)

FOR ACTION

From: PLANNING AND DEVELOPMENT DEPARTMENT

To: PLANNING AND DEVELOPMENT COMMITTEE

Date: December 7, 1987

Refer to File No. 25T-87027

SA-87-21

Attention: V. J. Abraham

SUBJECT

Application to the Region for approval of a draft plan of subdivision, Regional File No. 25T-87027, City of Hamilton File No. SA-87-21, to establish 60 lots for single-family dwellings.

RECOMMENDATION

a) That approval be given to Application SA-87-21, P. Barnett Construction Ltd. and 448947 Ontario Limited, owners, to establish a draft plan of subdivision to the north of Limeridge Road East and west of Kingberry Street, subject to the following conditions:

1. That this approval apply to the plan prepared by A. J. Clarke and Associates dated June 24, 1987, showing 60 lots and 3 blocks of 0.3 m reserves.

2. That the road allowances be dedicated as public highways on the final plan.

3. That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

4. That the final plan conform with the Zoning By-law approved under The Planning Act.

5. That the owner convey 5% of the lands included in the plan to the City of Hamilton for park purposes.

6. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

7. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot on the final plan.

8. That the owner acquire an easement of 20 m in width from the northerly termination of proposed street "B" to a proposed road, Carson Drive (25T-83004 - Wisemount Forest Survey - Phase 3), a length of about 35 m.

9. That the owner shall erect a sign in accordance with Section X of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

10. That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

b) That a subdivision agreement be entered into by the Corporation of the City of Hamilton and the owners to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-87-21), P. Barnett Construction Limited and 448947 Ontario Limited, owners, proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

c) That the Lisgar Neighbourhood Plan be changed accordingly to reflect the changes established by the draft plan of subdivision.

J. D. Thoms, M.C.I.P.
Commissioner, Planning and Development

V. J. Abraham, M.C.I.P.
Director of Local Planning

BACKGROUND

Owner

P. Barnett Construction Limited and 448947 Ontario Limited, Hamilton, Ontario.

Surveyor

A. J. Clarke and Associates, Hamilton, Ontario.

Location

The lands comprising 3.669 ha, are located north of Limeridge Road East and east of Kingsberry Street, Lisgar Neighbourhood, being part of Lot 3, Concession 6, Township of Barton, now in the City of Hamilton.

PROPOSAL

The owners propose to subdivide the lands into 60 lots for single-family dwellings and three blocks for 0.3 m reserves. The lots would be serviced from the proposed streets and would have a minimum width of 12.16 m and minimum are of 372 m^2.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Existing Development" within the "Urban Policy Area". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

Zoning - the lands are zoned to permit the proposed development.

Neighbourhood Plan - the lands are designated "Residential-single and double" however, the proposed location of Street "B" and Court "C" do not comply.

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the proposal:

Ministry of Municipal Affairs
Ministry of Transportation and Communications
Ministry of the Environment
Ministry of Natural Resources
Ministry of Citizenship and Culture (subject to standard archaeological conditions)
Hamilton Region Conservation Authority
Ontario Hydro, Union Gas
City of Hamilton Board of Education
City Traffic Department.
City Building Department

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

"1) All of Lots 1 to 60 can be serviced by the existing sewers on the future Carson Drive to the north of this subdivision. This is dependent on the developer obtaining an easement extending from the north limit of Lots 1 and 60 northerly approximately 35 metres over the future extension of Street "B" as shown on the attached sketch. We suggest that the easement be 20 metres in width to match the future road allowance. If this is not possible, then we recommend that the easement be a minimum of 12 metres in width.

2) The subdivision can be serviced from the existing watermains located on Locheed Drive and Castle Street abutting this development.

3) We do not expect there will be any Regional share for oversized sewers or watermains in this subdivision. However, there will be a Regional share for sewers associated with the required easement at the northern limit of this plan. The estimated cost is $20,000 and will be recoverable in the future.

4) Open sides and dead-ends of the road allowances are to be terminated with 0.3. metre reserves.

5) Castle Street is to be established at 20.12 metres (66 feet) and not 20.0 metres as shown. This street is also to align with the existing Castle Street as established by Registered Plan M-225.

6) Locheed Drive is to be established at 20.12 metres (66 feet) and not 20.0 metres as shown. This street is also to align with the existing Locheed Drive as established by Registered Plan M-461.

7) We recommend that the property line transitions into the cul-de-sac be established with minimum 9 metre radii.

8) The cul-de-sac width adjacent to Lots 36, 37, 47 and 48 is to be established at 20.0 metres and not 18.0 metres as shown.

9) The development of this plan will be subject to the approved draft plan for Wisemount Forest Survey to the north being revised to conform to this proposal and the approved neigbourhood plan being revised to suit both draft plans.

10) The Developer is to enter into subdivision agreements with both the City of Hamilton and the Region of Hamilton-Wentworth prior to the development of any portion of the subject lands.

11) The submitted plan as prepared by A. J. Clarke O.L.S. and dated June 24, 1987 is satisfactory to the Department of Engineering, subject to the above-noted comments and recommendations."

COMMENTS

1. The conformity of the proposal with the Offical Plans and the Zoning By-law is noted.

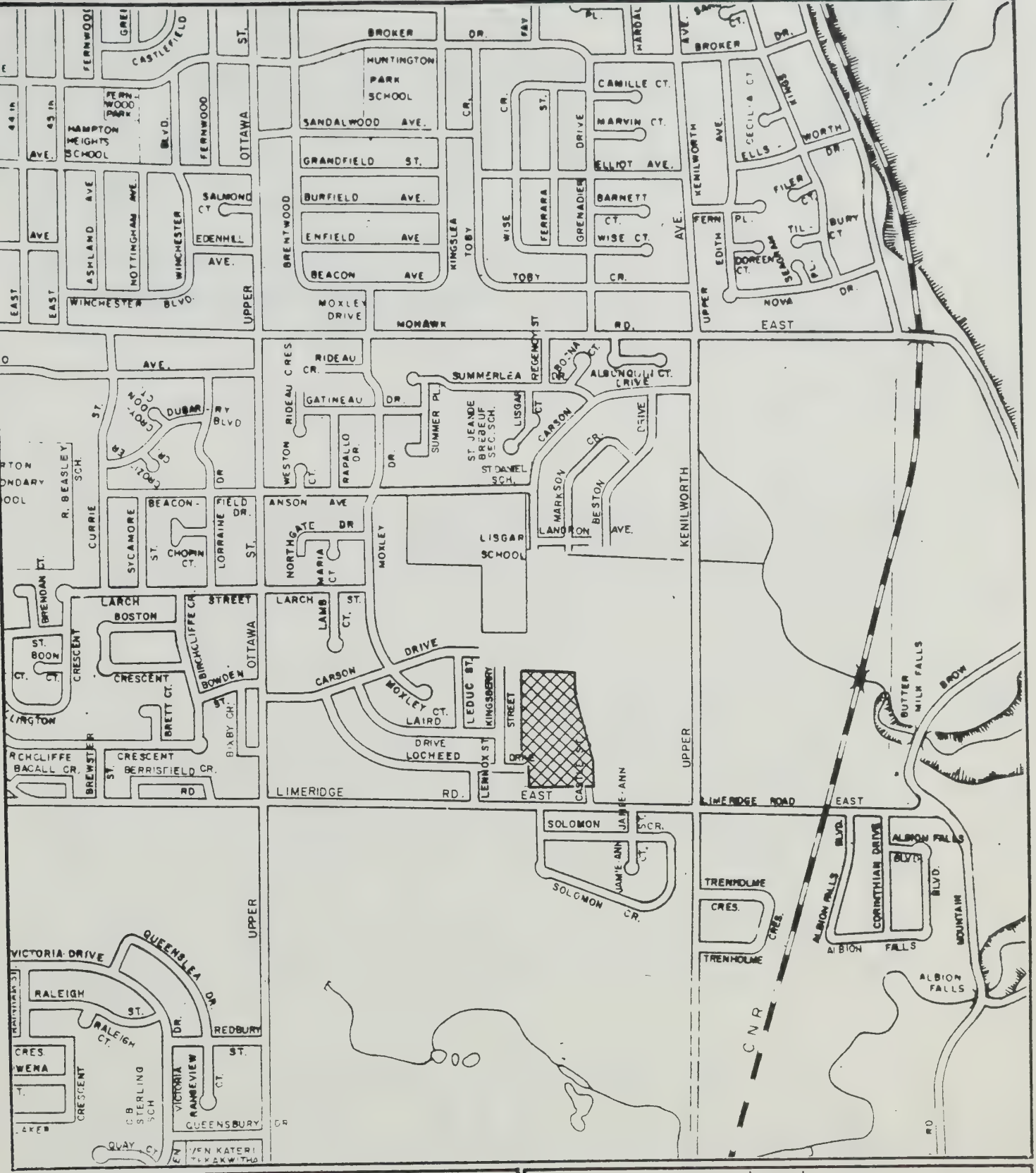
2. As no part of the subject lands is designated for park and recreational use on the approved neighbourhood plan, it is recommended that the parkland requirement for this subdivision be taken as cash-in-lieu of land.

3. The proposed plan requires a change to the road pattern of the neighbourhood plan which should be implemented upon approval of this subdivision by City Council.

4. The proposal, as recommended by the Regional Department of Engineering would require the acquisition of lands north of this proposed plan which would provide for the servicing of this plan of subdivision and, if approved, would require a revision to the draft approval for Wisemount Forest Survey, Phase 3, Regional File No. 25T-83004.

5. The requirement of the Ministry of Citizenship and Culture can be implemented through the conditions of draft approval by the Regional Municipality of Hamilton-Wentworth.

JLS:dc



Location Plan For

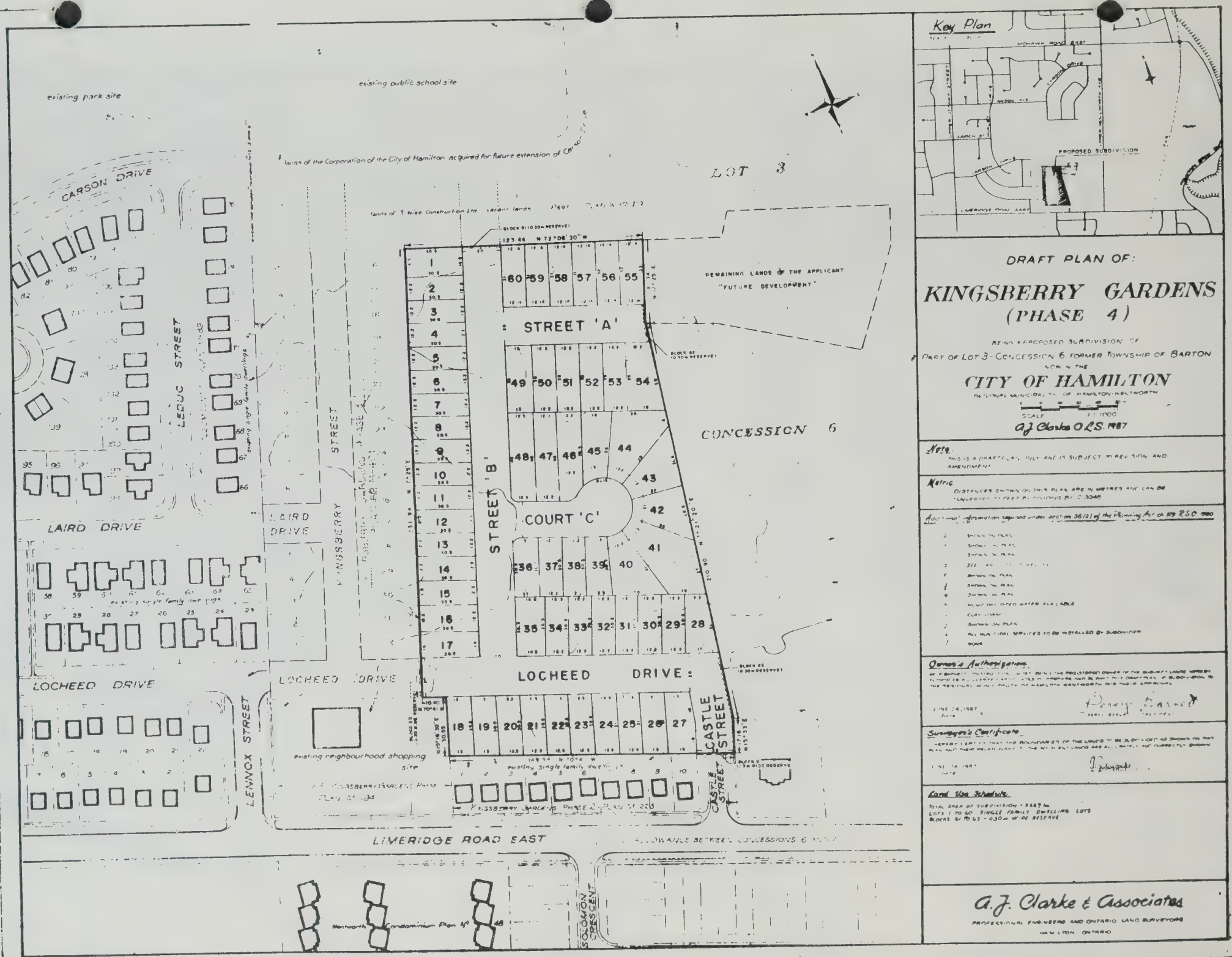
KINGSBERRY GARDENS

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

PROPOSED SUBDIVISION

North	Scale	Reference File No.
	N. T. S.	25T-87027
	Date	Drawing No.
	JULY 14, 1987	



DRAFT PLAN OF:

KINGSBERRY GARDENS
(PHASE 4)

BEING A PROPOSED SUBDIVISION OF
PART OF LOT 3 - CONCESSION 6 FORMER TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE 1:1000

A.J. Clarke O.L.S. 1987

Note
THIS IS A DRAFT ONLY AND IS SUBJECT TO REVISION AND AMENDMENT

Metric
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

Additional information required under section 36(2) of the Planning Act as it is R.S.O. 1980

a) SHOWN ON PLAN
b) SHOWN ON PLAN
c) SHOWN ON PLAN
d) SEE ABOVE
e) SHOWN ON PLAN
f) SHOWN ON PLAN
g) SHOWN ON PLAN
h) MUNICIPAL PIPED WATER AVAILABLE
i) CLAY LOAM
j) SHOWN ON PLAN
k) ALL MUNICIPAL SERVICES TO BE INSTALLED BY SUBDIVIDER
l) NONE

Owner's Authorization
I/WE HEREBY AUTHORIZE A.J. CLARKE & ASSOCIATES TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH AND THE CITY OF HAMILTON FOR THEIR APPROVAL.

JUNE 26, 1987
DATE

Surveyor's Certificate
I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATION TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

JUNE 26, 1987
DATE

Land Use Schedule
TOTAL AREA OF SUBDIVISION = 9.669 ha
LOTS 1 TO 60 SINGLE FAMILY DWELLING LOTS
BLOCKS 61 TO 63 - 0.30 m WIDE RESERVE

A.J. Clarke & Associates
PROFESSIONAL ENGINEERS AND ONTARIO LAND SURVEYORS
HAMILTON ONTARIO

12.

FOR ACTION

FROM Planning and Development Department DATE January 19, 1988

TO Planning and Development Committee Refer to File No. ZA-87-109
BUTLER
NEIGHBOURHOOD

Attention Of V. J. Abraham

SUBJECT

Request for a change in zoning from "E-2" (Multiple Dwellings) District to "CR-2" (Commercial-Residential) District for the lands located on the south-east corner of Upper Wentworth Street and Stone Church Road East. The purpose of the proposed rezoning is to permit the development of the subject lands for a 2-storey mixed residential/commercial building having a gross floor area of approximately 1858 m^2 (20,000 sq.ft.).

RECOMMENDATION

That Zoning Application ZA-87-109, T. Valeri Construction Ltd., owner, requesting a charge in zoning from "E-2" (Multiple Dwellings) District to "CR-2" (Commercial-Residential) District, to permit the development of the subject lands for a 2 storey mixed commercial/residential building having a gross floor area of 1858 m^2 (20,000 sq.ft.) for the lands located at the south-east corner of Upper Wentworth Street and Stone Church Road East, as shown on the attached map, be denied for the following reasons:

a) There is an adequate supply of commercial land, both existing and proposed, within this area along the abutting arterial roads to serve the needs of the present and future residents of the area. In addition, the introduction of more commercial development may undermine the viability of these approved sites.

b) It does not comply with the Official Plan or the approved Butler Neighbourhood Plan. Both plans designate the area "Residential".

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

T. Valeri Construction, owner

LOT SIZE AND AREA

- 114 m (374 ft.) of lot frontage on Stone Church Road East
- 60.96 m (200 ft.) of lot frontage on Upper Wentworth Street
- 4366.3 m^2 (47,000 sq.ft) of lot area of lot area

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	vacant	"E-2" (Multiple Dwellings) District
Surrounding Lands		
to the north	vacant	"C" (Urban Protected Residential, etc.) District "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District
to the south	existing and proposed single family dwellings	"AA" (Agricultural) District
to the east	vacant	"E-2" (Multiple Dwellings) District
to the west	proposed single family dwellings	"C" (Urban Protected Residential, etc.) District "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District

OFFICIAL PLAN

The subject lands are designated "Residential" on Schedule "A". Local commercial uses are permitted within a residential designation provided the site is less than .4 ha in size. The site exceeds this size. On this basis, the proposal does not comply with the Official Plan. A site specific redesignation from "Residential" to "Commercial" is required to permit the proposal.

NEIGHBOURHOOD PLAN

The subject lands are designated "Medium Density Apartments" in the approved Butler Neighbourhood Plan. A redesignation from "Medium Density Apartments" to "Commercial and Apartments" is required to permit the proposal.

COMMENTS RECEIVED

- The Building Department and Hamilton Region Conservation Authority have no comments or objections.

- The Traffic Department has advised

  "that access should be limited to the south and east corners on the site".

- The Hamilton-Wentworth Engineering Department has advised in part that

  "... public watermains are available to service the subject lands. However, sanitary and storm sewers have not yet been installed in this area. Services will be available in 1988.

  According to our records, the lands to be rezoned and lands designated for residential development to the east are remnant lands of the approved Butler No. 1 draft plan of subdivision. As a condition of approval, we recommend that sufficient lands be dedicated to the Region as follows:

  (1) Sufficient lands to establish the road allowance (property line) 15.24 m (50 feet) from the centreline of the original Stone Church Road road allowance adjacent to the lands to be rezoned.

  (2) Sufficient lands to establish the property line 18.24 m (60 feet) from the centreline of the original Upper Wentworth Street road allowance adjacent to lands to be developed/rezoned.

  (3) Sufficient lands to establish a 12.19 m x 12.19 m (40' x 40') daylight triangle from the widened limits of Stone Church Road and Upper Wentworth Street (southeast angle).

  These lands should be developed in conjunction with adjacent lands by a plan of subdivision, or servicing costs and other related issues should be dealt with now as these lands were included in a previous draft plan. If the land is included in a plan of subdivision, then the widenings can be dealt with through the plan of subdivision." (see attached letter for full comments.)

COMMENTS

1) The proposal does not comply with the Official Plan. A site specific redesignation from "Residential" to "Commercial" is required to permit the proposal.

2) The proposal does not comply with the approved Butler Neighbourhood Plan. A redesignation from "Medium Density Apartments" to "Commercial and Apartments" is required to permit the proposal.

3) As indicated on the attached map, there is an adequate supply of commercial sites to serve the residents of the surrounding neighbourhood.

Location of Commercial Site	Size of Site	Distance from Subject Lands	Developed
1) west side of Upper Wentworth Street, north of Pescara	.35 ha (0.8 ac)	500 m	No
2) west side of Upper Wentworth between Stone Church Road East and Rymal Road East	1.38 ha (3.4 ac)	300 m	No
3) Limeridge Mall	26.17 ha (64.97 ac)	1200 m	Yes
4) east side of Upper Sherman Avenue between Limeridge Road East and Stone Church Road East	1.55 ha (3.85 ac)	900 m	No
5) south of Limeridge Road East between Upper Wentworth Street and Upper Sherman Avenue	1.27 ha (3.14 ac)	1000 m	Yes
6) north east corner of Upper Sherman Avenue and Rymal Road East	2.40 ha (6.0 ac)	1115 m	No
7) Butler Multi Centre	.80 ha (2.0 ac)	750 m	No
8) Ryckmans Multi Centre	2.04 ha (5.0 ac)	825 m	No

In addition, there is a strip of commercial sites on the west side of Upper Wentworth between Limeridge Road East and King Fisher Drive.

4) The introduction of additional commercial sites would undermine the viability of existing and proposed commercial sites.

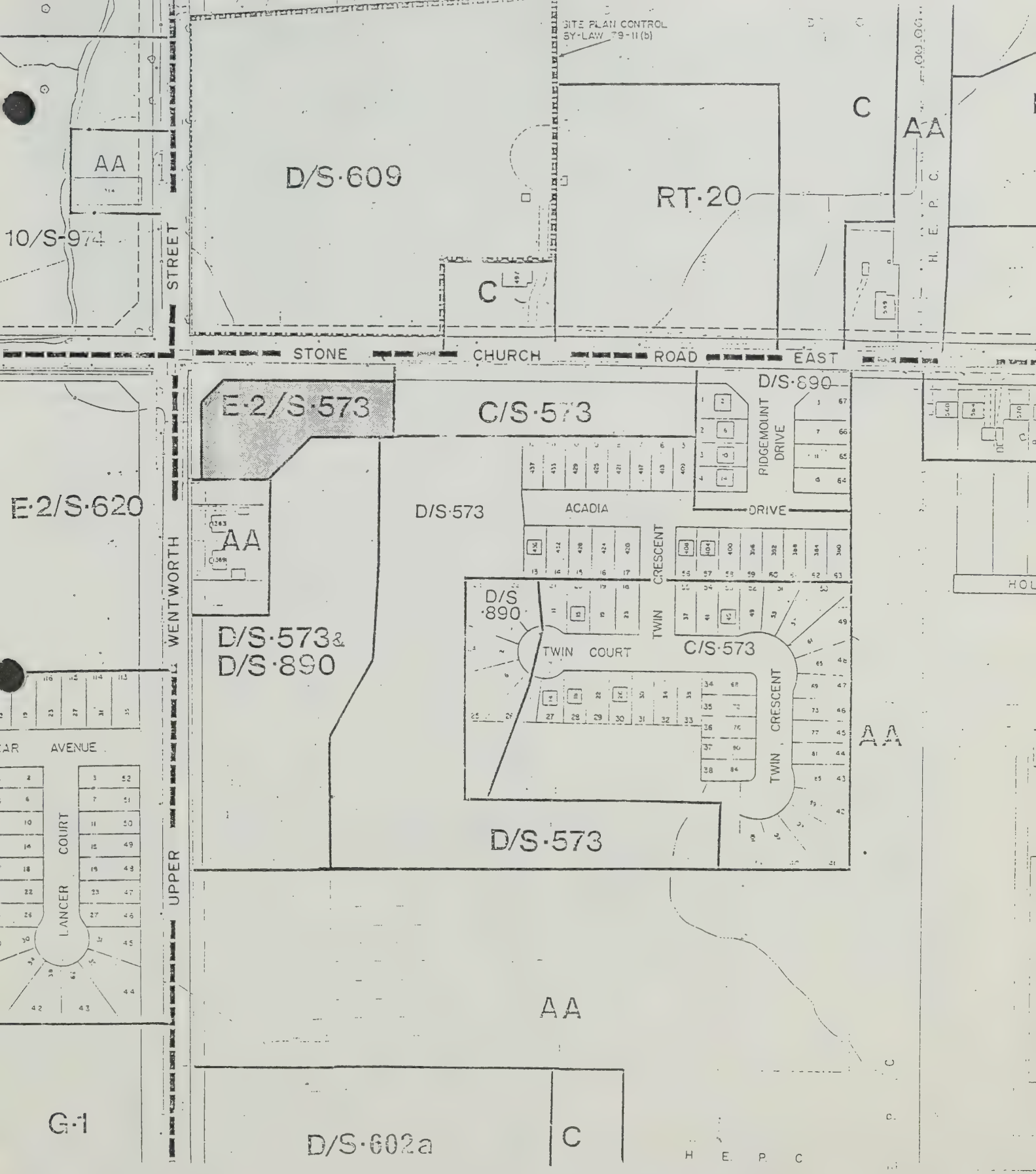
5) Sanitary and storm sewers are not available until mid 1988.

CONCLUSION

Based on the foregoing, the proposal cannot be supported.

JH/jd

0420P

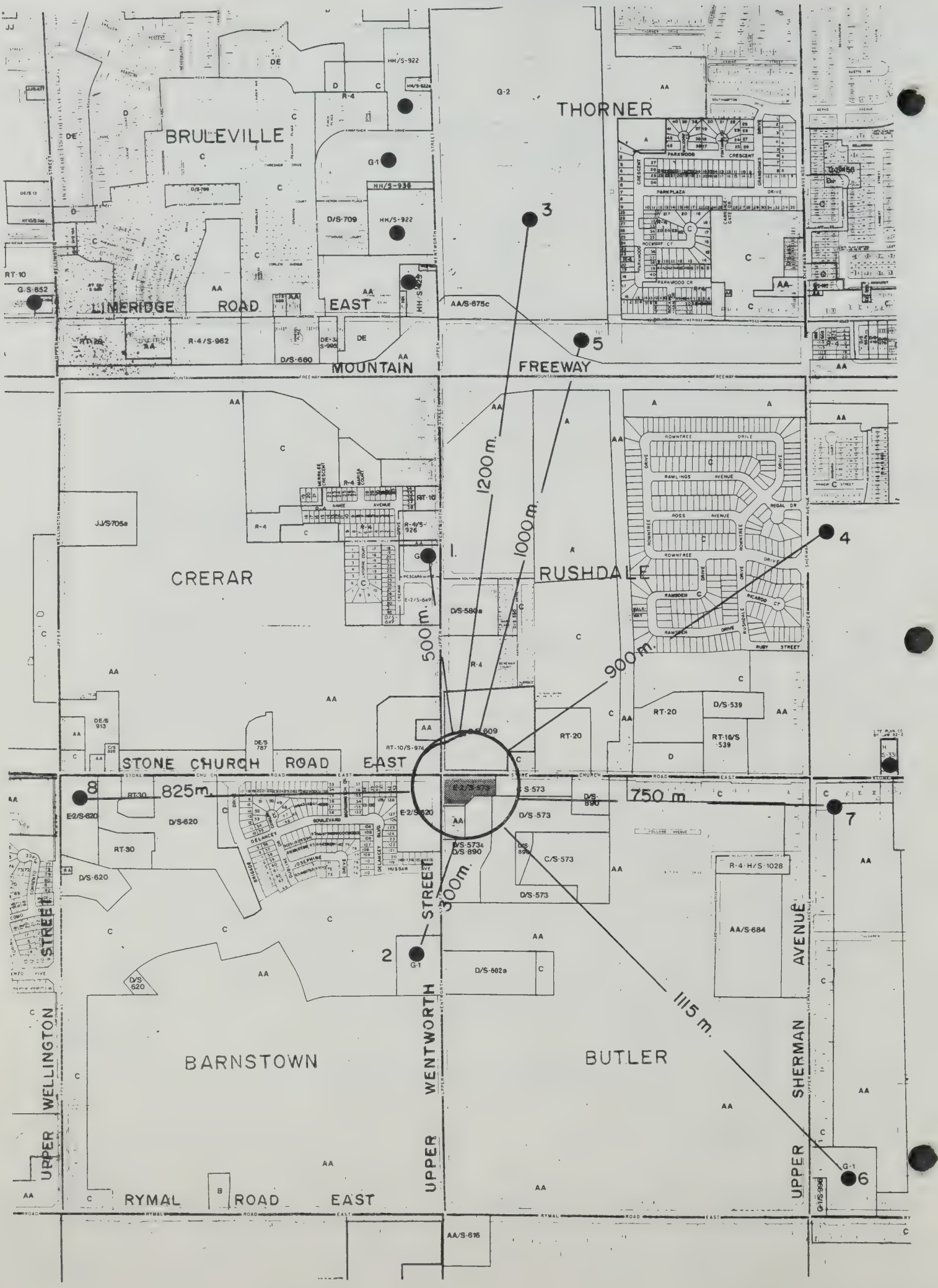


LEGEND

SITE OF THE APPLICATION

ZA-87-109

APPENDIX A


BRULEVILLE
THORNER
LIMERIDGE ROAD EAST
MOUNTAIN FREEWAY
CRERAR
RUSHDALE
STONE CHURCH ROAD EAST
BARNSTOWN
BUTLER
RYMAL ROAD EAST
UPPER WELLINGTON STREET
UPPER WENTWORTH STREET
UPPER SHERMAN AVENUE
1200 m.
1000 m.
500 m.
900 m.
825m.
750 m
300m.
1115 m.
1
2
3
4
5
6
7
8

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering
71 Main Street West, Hamilton, Ont. L8N-3T4 (416) 526-4170

PLANNING & DEVELOPMENT
LOCAL PLANNING BRANCH
DEC 11 1987

TO	STAFF	INIT.	INFO.	ACT.
DIR.				
PP & A				
LPA	JZ			
ENVD				
STAFF	JH	AH		
CART.				
ADMIN.				

I.D. #0134D(25)

Refer to File No. E220-0212
Attention of T. L. Hearns
Your File No. ZA-87-109

December 9, 1987

TO: V. J. Abraham, Planning Department

FROM: K. A. Brenner, Engineering Department

RE: Zoning Application ZA-87-109 for a Change in Zoning "E-2" to "CR-2" Regulations for Property, Located at the South-East Corner of Upper Wentworth and Stone Church Road.

Please be advised that public watermains are available to service the subject lands. However, sanitary and storm sewers have not yet been installed in this area. Services will be available in 1988.

The designated road allowance widths of Upper Wentworth Street is 36.58m (120 ft) and Stone Church Road is 30.48m (100 ft) as well as a 12.19 x 12.19m (40 x 40ft) daylight triangle. According to our records, the lands to be rezoned and lands designated for residential development to the east are remnant lands in the approved 'Butler No. 1' draft plan of subdivision. As a condition of approval, we recommend that sufficient lands be dedicated to the Region as follows:

(1) Sufficient lands to establish the road allowance (property line) 15.24m (50 feet) from the centreline of the original Stone Church Road road allowance adjacent to lands to be developed/rezoned;

(2) Sufficient lands to establish the property line 18.24m (60 feet) from the centreline of the original Upper Wentworth Street road allowance adjacent to lands to be developed/rezoned;

(3) Sufficient lands to establish a 12.19m x 12.19m (40 x 40ft) daylight triangle from the widened limits of Stone Church Road and Upper Wentworth Street (south-east angle).

Any work within the adjacent road allowances must conform to the Region's Roads Use By-Law.

Cont'd ....

Zoning Application ZA-87-109 for a Change in Zoning "E-2" to "CR-2" Regulations for Property, Located at the South-East Corner of Upper Wentworth and Stone Church Road.

Cont'd ....

The applicant/owner should be advised that the future reconstruction of Upper Wentworth and Stone Church Road intersection may include the provision of raised concrete median islands. These will likely restrict access to the subject lands at some future date. Any roadway improvements on the adjacent streets that may be required as a result of the development may be at the expense of the owner/applicant. These details can be finalized under the Site Plan Control application.

These lands should be developed in conjunction with adjacent lands by a plan of subdivision, or servicing costs and other related issues should be dealt with now as these lands were included in a previous draft plan. If the land is included in a plan of subdivision, then the widenings can be dealt with through the plan of subdivision.

TLH:mm
Encl.

12(a)

Hamilton General Homes (1971) Ltd.

DeSantis Group

January 21, 1988

City of Hamilton
71 Main St.W.
Hamilton, Ontario

Att: Mr. J. Zipay
Planning Department

RE: REZONING APPLICATION -ZA 87-109
T.VALERI CONSTRUCTION LIMITED

Dear Sir:

Please find enclosed our response card noting our opposition to the proposed change in zoning.

During 1987, Hamilton General Homes proposed a change in zoning from residential to commercial uses for lands located on the north side of StoneChurch Road at the intersection of furture Redmond Drive. The application was refused; however, we have reapplied for the change in zoning since we feel that our proposal is viable since the lands are highly suited to commercial uses due to the need for commercial facilities in the Rushdale neighbourhood and the location of the lands.

We have presold approximately 100 homes in the Highridge development and in close proximity to the "Valeri" proposal, for occupancy during mid 1988. Any support for the "Valeri" proposal would ignore the position of these future residents; whom we believe would be in support of our proposal and who must be allowed input into the planning process.

We are currently gathering support for our proposal and feel strongly that the "Valeri" proposal should be denied or at least deferred until our application is dealt with.

Yours truly,
HAMILTON GENERAL HOMES (1971) LTD.

Per: George R. Barclay

c.c. John Ariens
Planning Initiatives

George R. Barclay
Vice-President
Land Development

GB/md

590 Seaman Street, Stoney Creek, Ontario • L8E 4H1 • (416) 643-4221

13.

REVISED RESOLUTION

FOR ZONING APPLICATION ZA-86-97

McNALLY BROTHERS (1965) LIMITED, OWNER

ZONING APPLICATION

That approval be given to an amended Zoning Application ZA-86-97, McNally Brothers (1965) Limited, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for lands on the east side of Upper Sherman Avenue in the area north of Stone Church Road East, as shown on the attached plan marked as APPENDIX "A", on the following basis:

i) that the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

ii) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map E-38D and E-38C;

iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;

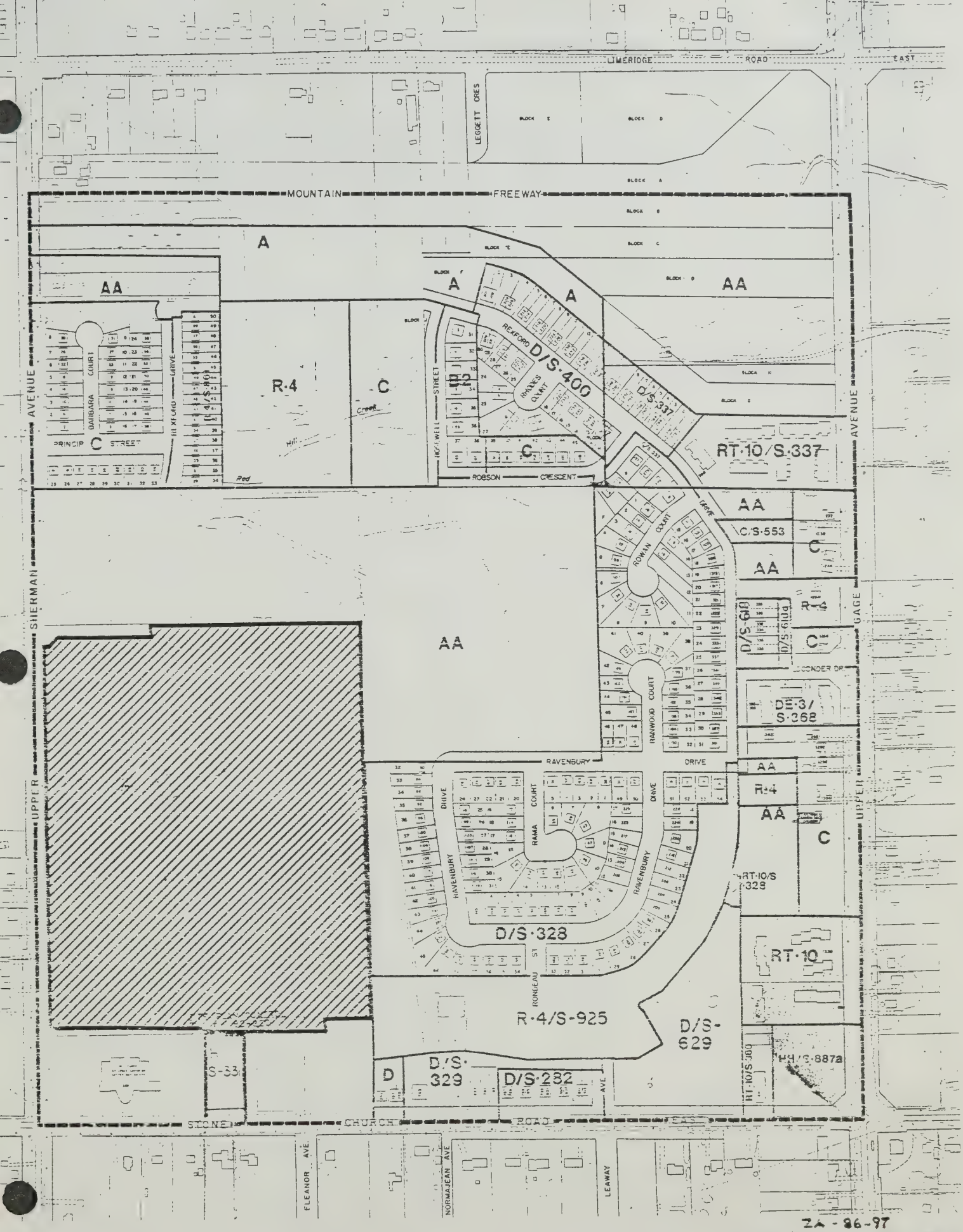
iv) That the Randall Neighbourhood Plan be amended by redesignating the north westerly corner of the site from "Attached Housing" to a "Single and Double" residential land use designation.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning of the subject lands as shown on the attached map marked as APPENDIX "A" from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

The effect of the By-law is to permit development of the site for the purposes of establishing single-family dwelling lots in accordance with a Registered Plan of Subdivision.

GAW/jd



SITE OF THE APPLICATION

Z.A - 86-97

SCALE 0 50 100 ft NORTH

PLANNING UNIT NO.		PAGE NO
7512	APPENDIX A	112

FOR ACTION

14.

FROM Planning and Development Department DATE January 12, 1988

TO Planning and Development Committee Refer to File No. ZA-87-114 HANNON WEST NEIGHBOURHOOD

Attention Of V. J. Abraham

SUBJECT

Request for a change in zoning and a modification to the zoning for property located at No. 390 Nebo Road and No. 1188 and 1196 Rymal Road East, as shown on the attached map marked as APPENDIX "A" on the following basis:

Block 1 - Change in zoning from "M-15" (Prestige Industrial) District to M-12 (Prestige Industrial) District, modified to permit a range of commercial uses, including offices of physicians, surgeons and dentists, as well as limited residential uses (motel, hotel, motor hotel);

Block 2 - Modification to the established "M-12" (Prestige Industrial) District to permit a range of commercial uses, including offices of physicians, surgeons and dentists, as well as limited residential uses (motel, hotel, motor hotel);

Block 3 - A further modification to the established "M-12" (Prestige Industrial) District to permit offices of physicians, surgeons and dentists, as well as limited residential uses (Motel, Hotel, Motor Hotel).

RECOMMENDATION

1. That Zoning Application ZA-87-114, Paletta International Corporation, prospective owner, requesting a change in zoning for Block 1 from "M-15" (Prestige Industrial) District, to "M-12" (Prestige Industrial) District, modified, for property located at No. 390 Nebo Road, as shown on the attached map marked as APPENDIX "A" be denied for the following reasons:

   - There is a very limited supply of "M-15" zoned lands in the Mountain Industrial Park which is designed to accommodate Industrial uses requiring outdoor storage facilities. Given this situation, every effort should be made to maintain these lands for their intended purpose.

   - There is an adequate supply of "M-11" and "M-12" zoned lands in the Mountain Industrial Park to accommodate many of the uses proposed without the need to encroach into the "M-15" zoned lands.

   - Approval of the application as submitted would only establish an undesirable precedent and set the stage for future similar applications.

2. That approval be given to an amended Zoning Application ZA-87-114, Paletta International Corporation, owners, for a modification to the established "M-12" (Prestige Industrial) District regulations applicable to property being the northerly part of No. 390 Nebo Road and No. 1188 and 1196 Rymal Road East, shown as Blocks 2 and 3 on the attached map marked as APPENDIX "A" on the following basis:

   Block 2

   That By-law No. 85-81 passed by City Council on April 30, 1985, be further amended by adding to Schedule "A" the lands shown as Block 2 on the attached APPENDIX "A";

   Blocks 2 and 3

   That the following additional permitted uses be added to the current list of permitted uses contained in Section 1(a)(i) of By-law No. 85-81 applicable to the lands described as Blocks 2 and 3 on the attached map marked as APPENDIX "A";

   Offices of physicians, surgeons and dentists, private practice (S.I.C. 865);
   Offices of engineers (S.I.C. 7752);
   Hotel, motor hotel (S.I.C. 9111);
   Motel (S.I.C. 9112).

3. That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-903a, and that the subject lands on Zoning District Map be notated S-903a;

4. That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59E;

5. That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a modification to the established "M-12" (Prestige Industrial) District regulations applicable to the lands described as Blocks 2 and 3 for property being the northerly part of No. 390 Nebo Road and No. 1188 and 1196 Rymal Road East, as shown on the attached plan marked as APPENDIX "A". The effect of the By-law is to permit, in addition to the permitted "M-12" Prestige Industrial uses, a number of commercial uses as well limited residential uses (see attached list):

PERMITTED COMMERCIAL USES
BLOCKS 2 AND 3 AS PER BY-LAW 85-81

Food Store: Grocery Store
Food Store: Specialty Shop
Pharmacy
Appliance, Television, Radio and Stereo Store
Drapery Store
Hardware Store
Paint, Glass and Wallpaper Store
Sporting Good Store
Musical Instrument Store
Record and Tape Store
Camera and Photographic Supply Store
Other Retail Stores
Insurance and Real Estate Agency
Office and Chartered Accountant
Law Office
Restaurant, Licensed
Restaurant, Unlicensed (including Drive-Ins)
Take-out Food Services
Combination Barber and Beauty Shops
Self-serve Laundries and/or Dry Cleaners

ADDITIONAL COMMERCIAL USES
BLOCKS 2 AND 3

Offices of physicians, dentists, surgeons, private practice
Office of engineers

ADDITIONAL RESIDENTIAL USES
BLOCKS 2 AND 3

Hotel, Motor Hotel
Motel

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Paletta International Corporation, prospective owner.

LOT SIZE AND AREA

An irregular-shaped parcel of land having:

- 85.73 m (281.26 ft.) of lot frontage on Rymal Road East;
- 149.87 m (491.69 ft.) of lot flankage on Nebo Road; and,
- 1.80 ha (4.45 ac) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	vacant	"M-12" (Prestige Industrial) District, modified, "M-12" (Prestige Industrial) District and "M-15" (Prestige Industrial) District
Surrounding Lands		
to the north	commercial plaza	"M-12" (Prestige Industrial) District, modified and "M-11" (Prestige Industrial) District
to the south	a single-family dwelling and Hamilton Hydro warehouse & storage yard	"M-15" (Prestige Industrial) District
to the east	a single-family dwellings and a pipe coating company and storage yard	"M-12" (Prestige Industrial) District and "M-15" (Prestige Industrial) District
to the west	vacant land and the Regional Waste Transfer Station	"M-12" (Prestige Industrial) District and "M-15" (Prestige Industrial) District

OFFICIAL PLAN

Designated "Industrial" on Schedule "A" - Land Use Concept Plan of the Official Plan and located within SPECIAL POLICY AREA 11 on Schedule "B" - Policial Policy Area and subject to the following policies:

A.2.3.1 The primary uses permitted will be for industry, defined as manufacturing, processing, warehousing, repair and servicing. In addition to the primary permitted uses, the following uses may be permitted within INDUSTRIAL AREAS:

ii) business enterprises such as, but not limited to, banks, restaurants, garages, material suppliers, etc., which are intended to directly service the industrial and their personnel; and,

vii) all uses which in the opinion of Council, compliment and do not interfere with, or detract from, the primary function of the area.

In addition, 1188 and 1196 Rymal Road East are within Special Policy Area 32, and are subject to the following policy;

A.2.9.3.27 Within SPECIAL POLICY AREA NO. 32, shown on Schedule "B" - Special Policy Areas, and located at 1188 and 1196 Rymal Road East (south-west corner of Rymal Road and Nebo Road), limited commercial uses will be permitted.

Based on the above policy, the proposed offices and motel are permitted within Special Policy Area 32, at 1188 and 1196 Rymal Road East.

Further, the proposed offices and motel can be permitted in the Light Industrial category of the INDUSTRIAL designation as business enterprises which serve the industries and their personnel, or as uses which compliment and do not interfere with or detract from the primary function of the area, as set out in Policy A.2.3.1 ii) and vii).

On the basis of the foregoing, the proposal complies with the Official Plan.

NEIGHBOURHOOD PLAN

Designated for "Restricted Industrial Commercial" use on the approved Mountain Industrial Area Plan. With respect to the portion of the site within the "M-15" District, the proposal conflicts with the intent of the Mountain Industrial Area Plan.

BACKGROUND

By-law 85-81

By-law 85-81 was passed by City Council on April 30, 1985 and provided for a modification to the established "M-12" (Prestige Industrial) District applicable to the lands shown as Block "3" on the attached map marked as APPENDIX "A". The effect of the By-law was to permit, in addition to the permitted "M-12" Prestige Industrial uses, a limited number of commercial uses including the following uses:

Food Store: Grocery Store
Food Store: Specialty Shop
Pharmacy
Applicance, Television, Radio and Stereo Store
Drapery Store
Hardware Store

Paint, Glass and Wallpaper Store
Sporting Good Store
Musical Instrument Store
Record and Tape Store
Camera and Photographic Supply Store
Other Retail Stores
Insurance and Real Estate Agency
Office and Chartered Accountant
Law Office
Restaurant, Licensed
Restaurant, Unlicensed (including Drive-Ins)
Take-out Food Services
Combination Barber and Beauty Shops
Self-serve Laundries and/or Dry Cleaners

COMMENTS RECEIVED

- The Building Department has advised that:

  "M-12" District does not permit any residential uses except a dwelling unit as an accessory use with restrictions. A "motel" is a residential use and is identification No. 9112. Business and professional offices is a vague term e.g. doctor and dentist offices are not permitted in any "M" Districts. By-law No. 85-81, which pertains to a portion of the lands has several commercial uses which are presently permitted and are these uses going to be retained?

- The Traffic Department, Hamilton Region Conservation Authority and the Local Architectural Conservation Advisory Committee staff have no comments or objections.

- The Hamilton-Wentworth Engineering Department has advised that:

  "... public watermains as well as separate storm and sanitary sewers are available to service the subject lands.

  On previous application ZA-85-02, we recommended as a condition, that various road allowance widening be dedicated to the Region. To date, we have not received these widenings and we, therefore, recommend that the following road allowance widenings be dedicated as a condition of development approval:

  - sufficient land to establish the property line 18.39 m (60 ft.) from the centre line of construction on Rymal Road

- sufficient land to establish a 12.19 m (40 ft.) x 12.19 m (40 ft.) daylight triangle from the widening limits of Rymal Road and Nebo Road.

Any works within the adjacent road allowances must conform to the Region Roads Use By-law.

As we have not received any detailed plans for review, we recommend that any roadway improvements on Nebo or Rymal Roads or the intersection of Nebo and Rymal Roads are at the expense of the applicant/owner. Specific details will be provided at such time as detailed site plans are forwarded to this office for review. We recommend that the subject lands be developed through Site Plan Control. The applicant should also be advised of the possible construction of raised concrete median islands on Rymal and Nebo Roads at some time in the future."

COMMENTS

1. The proposal complies with the intent of the Official Plan.

2. The proposal to permit commercial uses on Block 1 does not comply with the intent of the Approved Hamilton Mountain Industrial Area Plan. In this regard, the "M-12" zoned lands as modified (Block 3) would permit the proposed commercial uses. However, the lands within the portion of the site zoned "M-15" are intended to accommodate industrial type uses requiring unlimited outside storage, not commercial uses such as proposed. Given this situation every effort should be made to retain these lands for their intended purpose. There is an adequate supply of "M-11" and "M-12" zoned lands in the Mountain Industrial Park to accommodate many of the uses proposed without the need to encroach into the "M-15" zoned lands or rezone additional lands in this area. Approval of the application as submitted would only establish an undesirable precedent and set the stage for future similar applications.

3. Consideration could be given to an amended application for a modification to the established "M-12" zoning for the lands described as Block 2 to permit the commercial uses already permitted on Block 3 in accordance with the By-law 85-81, as well as the following additional uses:

   Commercial Uses

   - Offices of physicians, surgeons, dentists, private practice (S.I.C. 865);
   - offices of Engineers (S.I.C. 7752).

   Residential Uses

   - Hotel; Motor Hotel (S.I.C. 9111)
   - Motel (S.I.C. 9112)

In addition, a further modification to the established "M-12" District under By-law No. 85-81 can be supported for the lands described as Block 3 to permit the following additional uses:

Commercial Uses

- Offices of Physicians, Surgeons and Dentists, Private Practice (S.I.C. 865)
- Offices of Engineers

Residential Uses

- Hotel; Motor Hotel (S.I.C. 911)
- Motel (S.I.C. 9112)

The effect of the amended application is to permit the requested commercial and residential uses only the lands within the "M-12" District portion of the site, in effect "squaring off" the zoning and development of the site.

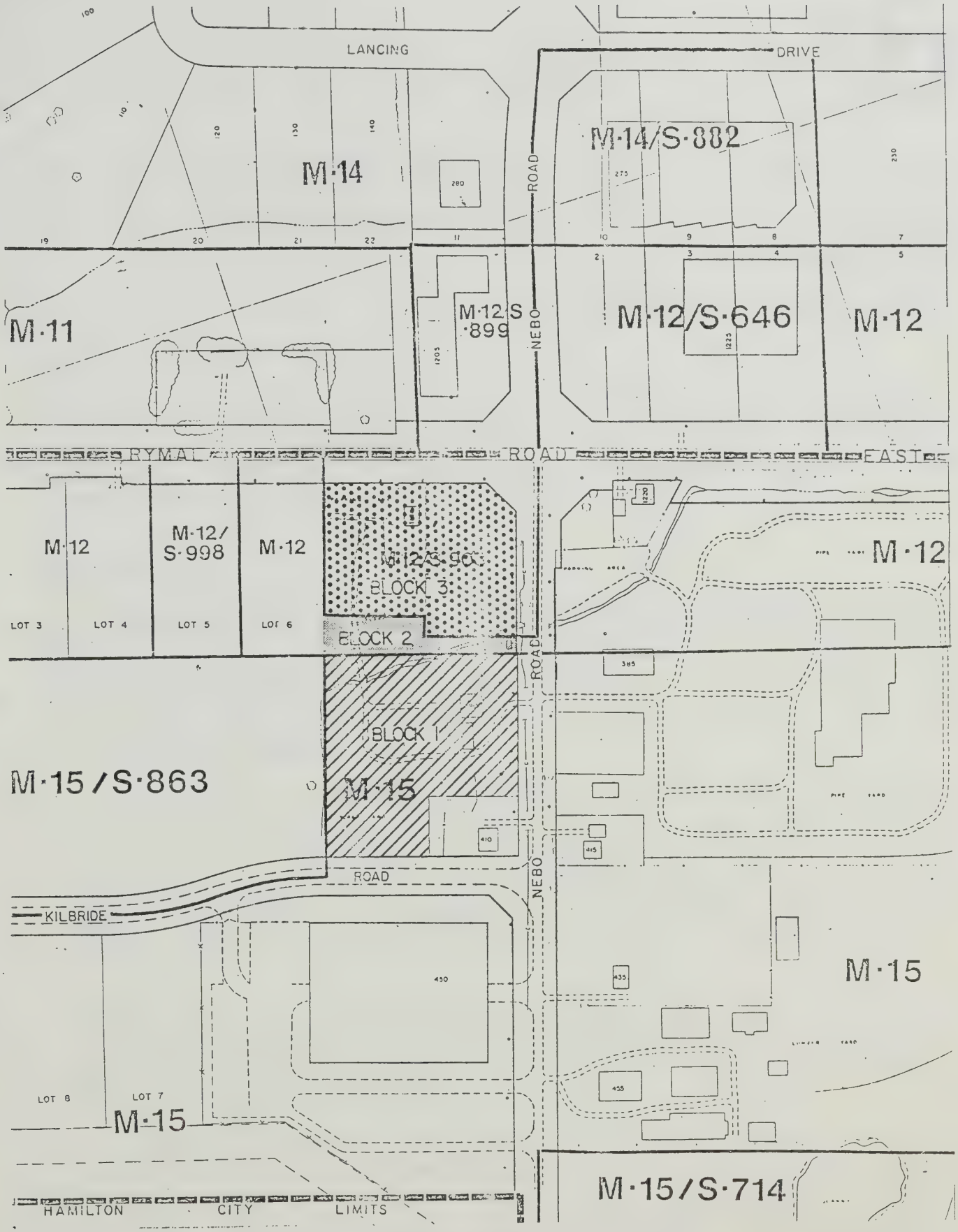
4. Development of the lands within the "M-12" District is subject to the provision of Site Plan Control By-law 79-275. In this regard, matters related to parking and loading, matters related to parking and loading, landscaping grading access points, road widenings, etc. can be further reviewed at the site plan stage of the development.

CONCLUSION

On the basis of the foregoing, the proposal to rezone Block 1 from "M-15" to "M-12", modified, cannot be supported. However, consideration can be given to an amended application to permit the requested commercial and residential uses only on the portion of the site situated within the "M-12" District (Blocks 2 and 3).

GAW/jd

0420P



LEGEND

Lands for which the following changes are proposed:

BLOCK 1 — Change in zoning from "M-15" (Prestige Industrial) District to "M-12" (Prestige Industrial) District, modified.

BLOCK 2
BLOCK 3 — Modification to the "M-12" (Prestige Industrial) District.

ZA87-114

APPENDIX A

15.

FOR ACTION

FROM Planning and Development Department

DATE January 20, 1988

TO Planning and Development Committee

Refer to File No. ZA-87-115
KIRKENDALL
NEIGHBOURHOOD

Attention Of V. J. Abraham

SUBJECT

Request for a further modification to the "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District for the property located at Nos. 305-307 Main Street West. The purpose of the proposed modification is to permit the development of the subject lands for a four storey, 603.85 m^2 (6,500 sq.ft.) office building.

RECOMMENDATION

That Zoning Application ZA-87-115, Tofano and Tofano Investments, prospective owner, requesting a further modification to the "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District, to permit the development of the subject lands for a four storey, 603.85 m^2 (6,500 sq.ft.) office building, for the property located at Nos. 305-307 Main Street West, as shown on the attached map marked as APPENDIX "A", be denied for the following reasons:

a) In 1973, a special zoning was placed on a strip of properties along the south side of Main Street West between Locke Street and Queen Street which allowed for the conversion of existing dwellings for limited commercial uses. The intent of this by-law is to encourage the re-use of existing two and three storey residential buildings for specialty type commercial uses, such as gift shops, wearing apparel stores, photography studio, business offices, etc. This type of "village" development is similar to the Hess Village concept.

   In the context of the above, the proposed four storey office building, by virtue of its height, mass and character, is inappropriate in an area where two and three storey "residential" buildings predominate and therefore, would undermine the intent of the existing zoning and be out of character with the surrounding development.

b) The proposed development could set an undesirable precedent for future redevelopment of a strip commercial nature.

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Tofano and Tofano Investments Ltd., prospective owner.

LOT SIZE AND AREA

- 17.98 m (59 ft.) of lot frontage
- 30.48 m (100 ft.) of lot depth
- 548.11 m^2 (5,900 sq.ft.) of lot area

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	vacant	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District
Surrounding Lands		
to the north	mixed residential/ commercial, multiple dwelling	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District "E" (Multiple Dwellings, Lodges, Clubs, etc.) District
to the south	two family dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District
to the east and west	one, two and three family dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouse, etc.) District

OFFICIAL PLAN

The subject lands are designated "Commercial" on Schedule "A". The proposal complies.

NEIGHBOURHOOD PLAN

The subject lands are designated "Commercial and Low Density" in the approved Kirkendall North Neighbourhood Plan. A redesignation to "Commercial" is required to permit the proposal.

BACKGROUND

By-law 73-303 is a special zoning placed on properties located at Nos. 335 to 287 and 279 to 255 Main Street West which permits the conversion of existing dwellings for limited commercial uses. The intent of the by-law is to allow commercial development in existing residential buildings in order to maintain a "village" character similar to Hess Village.

However, the subject lands are vacant and thus, any proposed development would not be subject to this special zoning. The property can only be developed under the "D" District provisions which permits primarily one and two family dwellings.

COMMENTS

- The Building Department has indicated that several variances are required.

- The Traffic Department has advised that:

  "The application to permit the commercial development of the subject lands is satisfactory. However, our review of the preliminary plan indicates that a number of variances will be required to permit development as proposed, two of which will concern the required parking and loading. We wish to advise that we will not support any variance regarding the number of parking spaces required and since this is new development, we feel that it should be constructed in accordance with by-law requirements.

  In addition, we recommend that the access be modifed to provide a minimum width of 6.0 metres for two-way operation and that adequate visibility be provided for vehicles existing onto Main Street West".

- The Hamilton-Wentworth Engineering Department has advised that

  "Please be adivised that public watermains as well as combined storm and sanitary sewer are available to service the subject lands.

  The designated road allowance width of Main Street is 26.21 m (86 feet). In accordance to Survey Plan P-906A, the required road widening adjacent to the subject lands is ± 3.048 m (10 feet). We recommend, as a condition of development approval, that these lands be dedicated to the Region for road widening purposes and that the building setbacks be taken from the widened limits of Main Street.

  Any work within the Main Street road allowance as widened, must conform to the Region's Roads Use By-law.

  It is recommended that the building be set back 1.5 m from the widened limits to assure sight distance from the driveway in the archway. Alternatively, the site could be set under site plan to assure a reasonable sight triangle at the driveway.

- The Hamilton Region Conservation Authority has no objection.

COMMENTS

1. Commercial development complies with the Official Plan.

2. The proposal does not comply with the approved Kirkendall North Neighbourhood Plan.

3. The proposal represents an overintensification of land use since several variances would be required. They are as follows:

Proposal	Zoning By-law Requirements	Proposed Development
Loading Space	1	0
Parking Space	7	5 or 6
Storeys	3	4
Front Yard	6 m	1.5 m

4. In 1973, a special zoning was placed on a strip of properties along the south side of Main Street West between Locke Street and Queen Street which allowed for the conversion of existing dwellings for limited commercial uses. The intent of this by-law is to encourage the re-use of existing two and three storey residential buildings for specialty type commercial uses, such as gift shops, wearing apparel stores, photography studio, business offices, etc. This type of "village" development is similar to the Hess Village concept. This special zoning has been successful which is evident by the number of commercial uses established along this strip, such as Sobel's, Encore Fashions boutique, Lydia's boutique, doctor's office, etc.

   In the context of the above, the proposed four storey office building, by virtue of its height, mass and character, is inappropriate in an area where two and three storey "residential" buildings predominate and therefore, would undermine the intent of the existing zoning and be out of character with the surrounding development.

5. The Department reviewed the proposed development with the applicants in an attempt to reach a mutually acceptable plan. However, they wished to proceed with the application, as submitted.

CONCLUSION

Based on the foregoing, the proposal cannot be supported.

JH/cab
0420P

16.

FOR ACTION

FROM: Planning and Development Department

DATE: December 18, 1987

TO: Planning and Development Committee

Refer to File No. SA-87-31
ZA-87-104

Attention V. J. Abraham

SUBJECTS

1. Application to the Region for approval of a draft plan of subdivision, Regional File No. 25T-87041, City of Hamilton File No. SA-87-31, to establish 29 lots for single family dwellings.

2. Application to the City of Hamilton for approval of a rezoning, File No. ZA-87-104, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential etc.) District.

RECOMMENDATION

1. Subdivision Application

a) That approval be given for Application SA-87-31, A. De Santis Developments Ltd., owner, to establish a draft plan of subdivision on the west side of the proposed extension of Greenhill Avenue south of Pavarotti Court, subject to the following conditions:

1. That the approval apply to the plan prepared by Odan Engineering dated August 20, 1987, revised to show a 12m x 12m daylight triangle at the north-east corner of Lot 24, and an increase in the width of lots fronting on street "A" which reduces the number of lots to 28, a full road width for Greenhill Avenue together with 0.3m reserves and dimensions for the cul-de-sac bulb curves.

2. That the owner acquire sufficient land to establish Greenhill Avenue to its full required width.

3. That the final plan for Lots 1 to 23 inclusive not be approved until such time as installation of municipal services on Greenhill Avenue have been completed.

4. That the streets be dedicated as public highways on the final plan.

5. That the streets be named to the satisfaction of the City of Hamilton and the Regional Muncipality of Hamilton-Wentworth.

6. That the final plan conform with the City of Hamilton Zoning By-law.

7. That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.

8. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

9. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.

10. That the dead-end and open side of the road allowance (Blocks "29" and "30") created by the plan be terminated in 0.3m reserves to be conveyed to the City of Hamilton and to be held by the City until required for the extension of the road allowance and/or development of adjacent lands.

11. That the owner shall erect a sign in accordance with Section X of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

12. That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

b) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-87-31), A. DeSantis Developments Ltd., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

2. Zoning Application

That approval be given to Zoning Application 87-104, A. De Santis Developments Limited, owner for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located on the west side of the proposed extension of Greenhill Avenue in the area south of Pavarotti Court, as shown on the attached map marked as APPENDIX "A" on the following basis:

i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-107;

iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;

iv) That the Gershome Neighbourhood Plan be amended by redesignating the subject lands from "Civic and Institutional" to a "Single and Double" residential land use designation.

Explanatory Note

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located on the west side of the proposed extension of Greenhill Avenue, in the area south of Pavarotti Court, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit development of the subject lands for single-family dwellings in accordance with a draft plan of subdivision.

Respectfully submitted,

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

V. J. Abraham, M.C.I.P.
Director - Local Planning

BACKGROUND

Owner

A. De Santis Developments Limited, Hamilton, Ontario

Agent

Odan Corporation, Hamilton, Ontario

Surveyor

A. T. McLaren Limited, Hamilton, Ontario

Location

The lands, comprising 2.024 ha, are located on the west side of the proposed extension of Greenhill Avenue south of Pavarotti Court in the Gershome Neighbourhood in the City of Hamilton.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
to the north	Vacant lands of the Hamilton Board of Education	"AA" (Agricultural) District
to the south and east	Vacant lands of draft approved subdivisions	"C" (Urban Protected Residential etc.) District
to the west	Vacant lands of a final approved subdivision	"C" (Urban Protected Residential etc.) District

PROPOSAL

The owner proposes to subdivide the lands into 29 lots for single-family dwellings to be serviced from new streets, one of which abuts the north limit of the plan and is being established by a City By-law. The minimum lot size proposed has a width of 12.874m and and area of 386m^2.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Existing Development" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Major Institutional" and "Residential". In that residential uses are permitted in areas designated "Major Institutional" provided they are compatible with the surrounding area, the proposal can be considered to comply.

Neighbourhood Plan - the lands are designated for "Civic and Institutional" uses, therefore, the proposal does not comply. An amendment will be required to re-designate the lands for "Residential - single and double" uses.

Niagara Escarpment - the lands are not withing the "Development Control Area", therefore, the regulations do not apply.

Zoning - the lands are zoned "AA" (Agricultural) District which does not permit development as proposed, therefore, an amendment to the Zoning By-law to rezone the lands to an appropriate residential category is required.

COMMENTS FROM CIRCULATION

1. Subdivision Application

The following agencies have advised that they have no comment or objection toward the proposal:

Ministry of Municipal Affairs
Ministry of Transportation
Ministry of the Environment
Ministry of Natural Resources
Ministry of Culture and Communications
Niagara Escarpment Commission
Hamilton Region Conservation Authority
Ontario Hydro, Union Gas, Bell Telephone
City of Hamilton Building Department (subject to rezoning)

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

"1. The proposed subdivision can be serviced to existing sewers and watermains on Greenhill Avenue at the north-easterly limit of the development. Sewers and watermains are presently being installed on National Drive adjacent to Lots 24 to 29, in conjunction with the development of Nash Orchard Heights West subdivision (25T-85032). The Region and City have proposed, for the 1988 Capital Budget, the completion of all municipal services on Greenhill Avenue from National Drive southerly to the C.P. railway line.

2. The Region will cost share for sewers and watermains on Greenhill Avenue under the Capital Budget project for services in this area. Recoveries of the costs will occur when abutting lands are developed.

3. The property lines of Lots 24 to 29 (inclusive) may have to be adjusted to conform with the alignment of National Drive as shown on Reference Plan 62R-8695 and as shown on the final plan for "Nash Orchard Heights West" subdivision. This should be confirmed prior to the Final Survey Plan being prepared.

We recommend the following:

4. Greenhill Avenue is to be established to its full width prior to or in conjunction with the registration of Lots 1 to 23 on the plan.

5. The Final Plan for Lots 1 to 23 (inclusive) is not to be released for registration until the installation of municipal services on Greenhill Avenue has been finalized.

6. The Developer is required to establish a 12m x 12m daylgiht triangle at the north-easterly corner of Lot 24. The required lands for the daylight triangle are known as Part 5 on Reference Plan 62R-8695. (see attached plan)

7. The cul-de-sac radii are to be established at 15 metres and the transitions into the cul-de-sacs are to be established at 9 metres. (see attached sketch)

8. The Developer is to enter into subdivision agreements with both the Region of Hamilton-Wentworth and the City of Hamilton prior to the development of any portion of the lands in this plan.

The submitted plan as prepared by Odan Engineering, and dated August 20, 1987, is satisfactory to this Department, subject to the above-noted comments and recommendations."

The City of Hamilton Traffic Department has submitted the following comments:

"We recommend that the lot lines be modified, as shown in red on the attached plan, in order to avoid the potential overlapping of driveways within the road allowance.

In addition, we recommend that final approval of the plan be subject to the same condition that was placed on other plans of subdivision in the immediate area, i.e. that the final plan be approved only after, either, the one-way exit from Highway 20 (Centennial Parkway) has been established by registration of a plan of subdivision under subdivision application SA-85-22 (Nash Orchard Heights South), or Greenhill Avenue has been constructed in full to join the north and south sections of said road, and that appropriate road improvements are completed at the intersection of Greenhill Avenue and King Street East as deemed necessary by the City of Hamilton."

2. Zoning Application

The following have advised that they have no comment or objection:

City of Hamilton Building Department
City of Hamilton Traffic Department
Niagara Escarpment Commission Staff
Hamilton Region Conservation Authority
Hamilton-Wentworth Department of Engineering (subject to development through a satisfactory plan of subdivision.

COMMENTS

1. The conformity of the proposal with the Official Plans and the need for an amendment to the Neighbourhood Plan and Zoning By-law is noted.

2. As no part of the subject lands is designated for park and recreational use in the approved neighbourhood plan, it is recommended that the parkland requirement for this subdivision be taken as cash-in-lieu of land.

3. The Hamilton-Wentworth Separate School Board has verbally advised that the Board sold the subject lands to the present owner as there is no requirement for a Separate School in the area.

4. The condition recommended by the Traffic Department in regard to provision of a second access into the neighbourhood was established for each of the draft approved subdivisons located north of the railway line. However, in the case of two subdivisons now registered, the requirement was waived by City Council in their approval of Item 9 of the 15th report of the Transport and Environment Committee. Therefore, it appears inappropriate to establish the condition for this small infill subdivison.

5. The requested rezoning to permit single-family dwellings can be supported on the basis that the intended neighbourhood plan use i.e. a Separate School, is no longer required and the proposed use is compatible with the approved surrounding uses.

6. The lot width of lots fronting on proposed Street "A" was increased to match the lots of Nash Orchard Heights West (25T-85032).

CMD/jd



Location Plan For

DESANTIS GARDENS

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

PROPOSED SUBDIVISION

North	Scale	Reference File No.
	N. T. S.	25T-87041
	Date	Drawing No.
	SEPT. 9, 1987	

OWNER'S CERTIFICATE

I HEREBY AUTHORIZE THE ODAN CORPORATION TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION FOR APPROVAL

A DeSANTIS DEVELOPMENTS LTD

DATED Aug. 31st 1987 . A. DeSantis

SURVEYOR'S CERTIFICATE

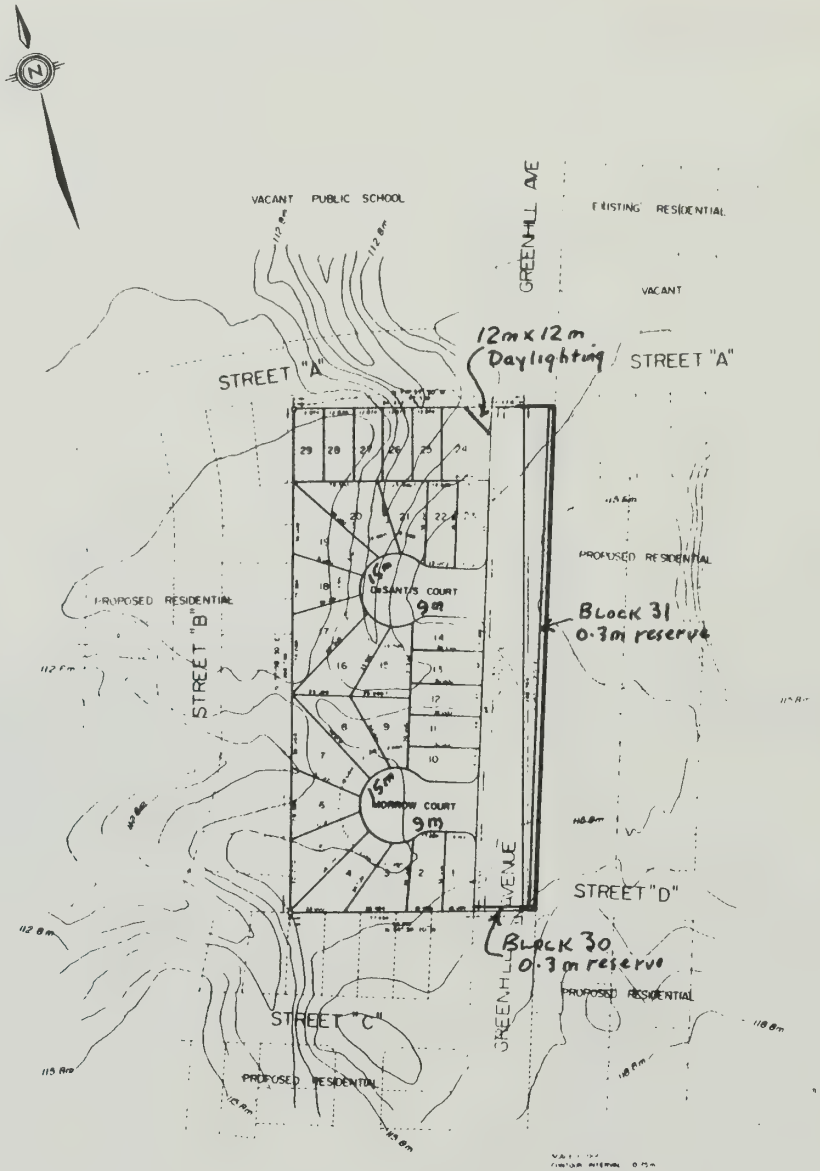
I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED ARE ACCURATELY AND CORRECTLY SHOWN

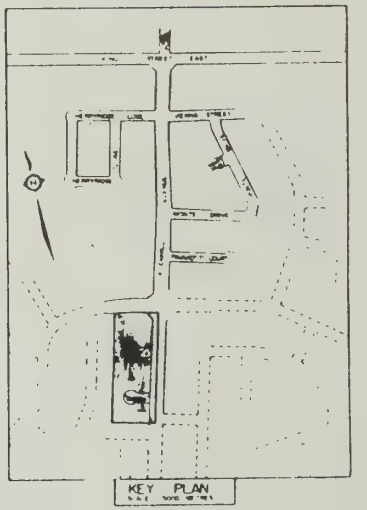
DATED Aug 27 87

A.T. McLAREN O.L.S.
A.T. McLAREN LIMITED

REQUIREMENTS OF SECTION 50 OF THE PLANNING ACT

A) AS SHOWN ON DRAFT PLAN
B) AS SHOWN ON KEY PLAN
C) AS SHOWN ON DRAFT PLAN
D) SINGLE FAMILY RESIDENTIAL
E) AS SHOWN ON DRAFT PLAN
F) AS SHOWN ON DRAFT PLAN
G) AS SHOWN ON DRAFT PLAN
H) MUNICIPAL WATER SUPPLY
I) SANDY LOAM
J) AS SHOWN ON DRAFT PLAN
K) SANITARY, STORM, MUNICIPAL WATER, HYDRO, GAS
L) AS SHOWN ON DRAFT PLAN





DRAFT PLAN OF
DeSANTIS GARDENS

PART OF LOT 28, CONCESSION 4, IN THE FORMER TOWNSHIP OF SALTFLEET, NOW IN THE CITY OF HAMILTON, IN THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

ODAN ENGINEERING
40 ONTARIO AVENUE
HAMILTON, ONTARIO
L8N 2X2
OFF (416)662-4776

CLIENT: A DeSANTIS DEVELOPMENTS LTD

JOB NO: 87008

TITLE: DeSANTIS GARDENS

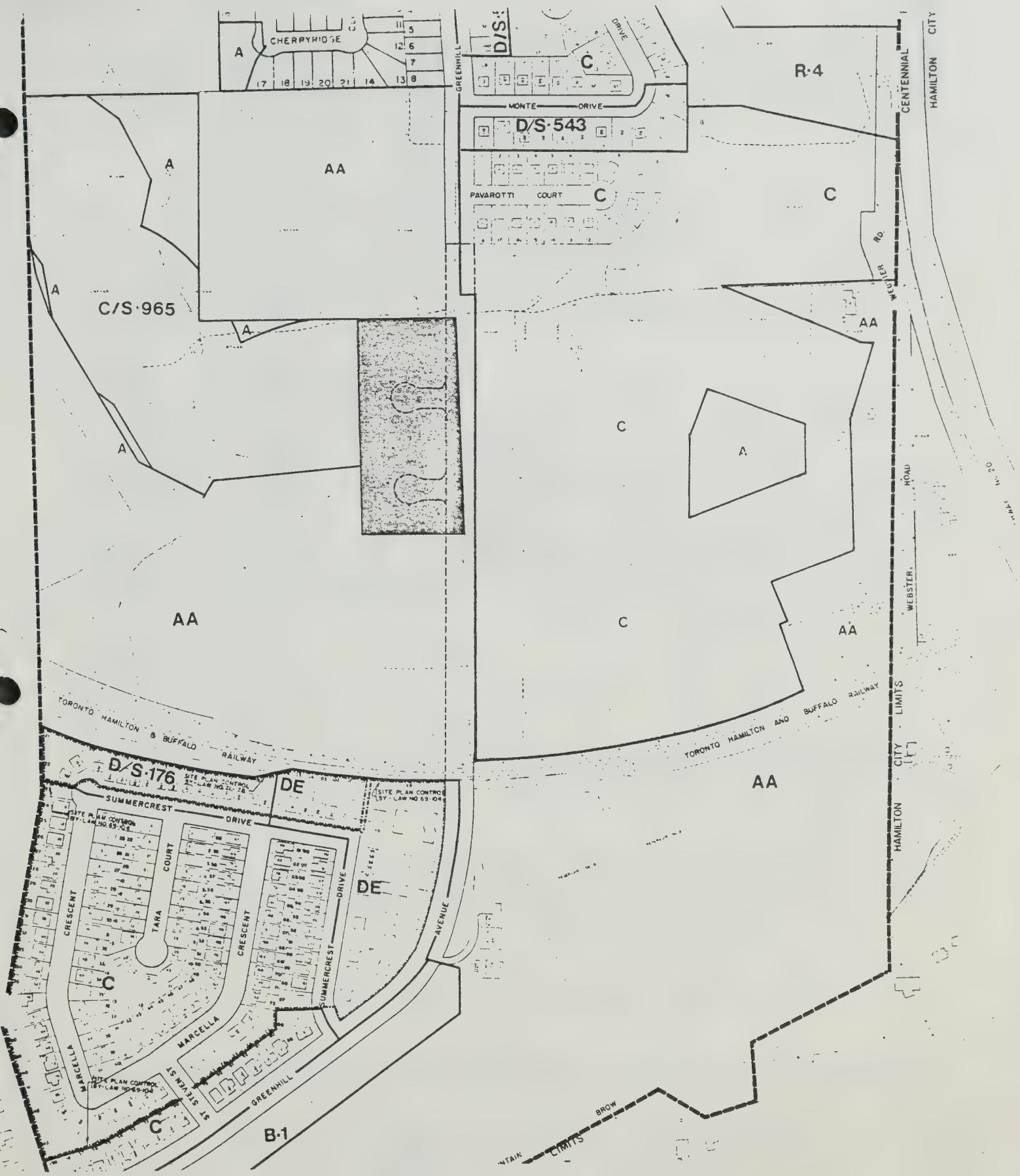
DRWG NO: 1

NO	REVISIONS	DATE	BY

DESIGN JK
DRAWN FR
CHECKED JK
APPROVED JK

SHEET NO: 1 of 1

DATE: AUG 20/87

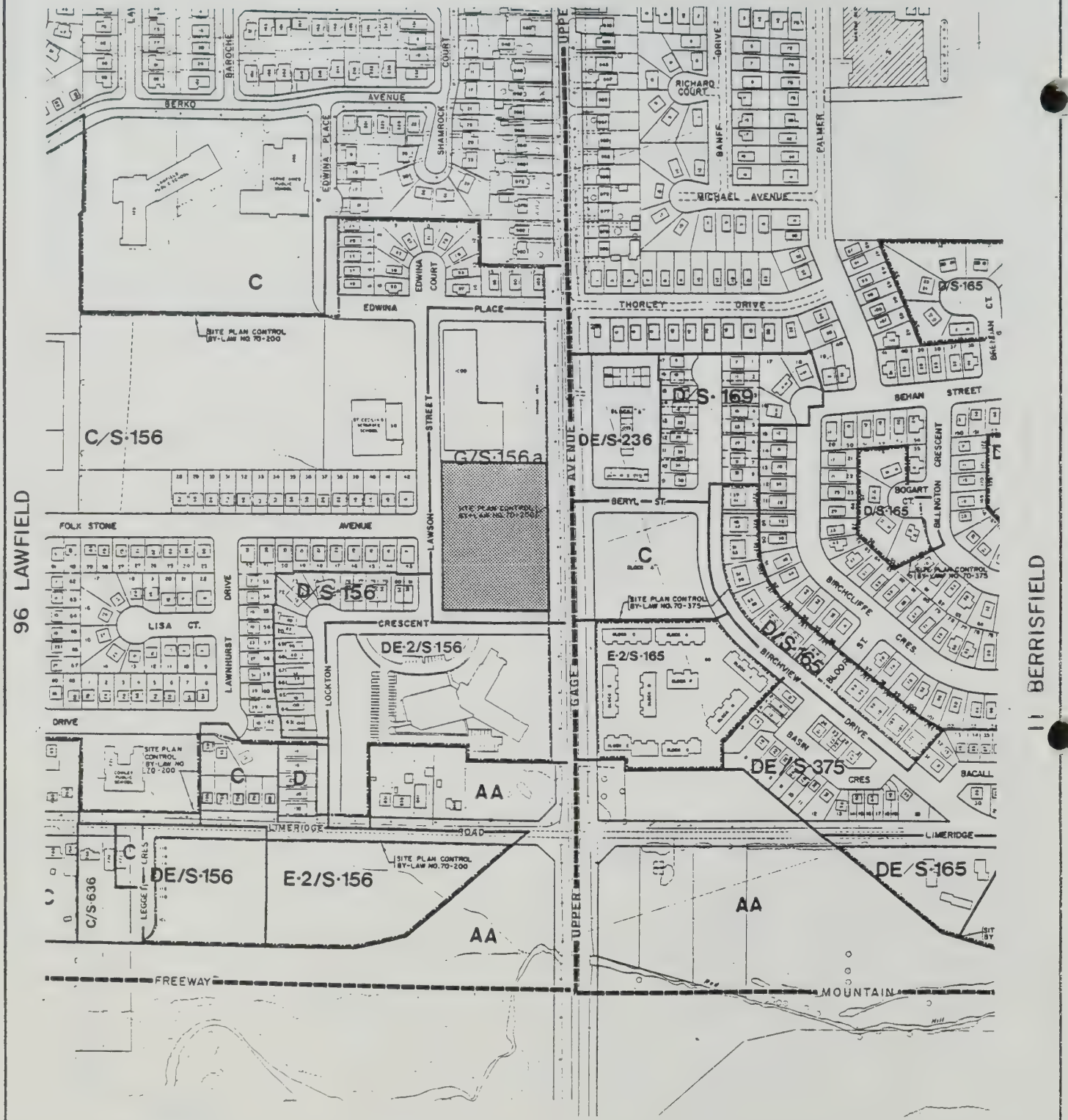


LEGEND

SITE OF APPLICATION

ZA87-104

APPENDIX A



PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL
APPLICATION DA-87-48

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

SITE OF THE APPLICATION

North	Scale	Reference File No.
	1:5,000	DA-87-48
	Date	Drawing No.
	MAY ,1987	87-H-48

17.

FOR ACTION

FROM: Planning and Development Department

DATE: December 16, 1987

TO: Planning and Development Committee

Refer to File No. SA-87-19
ZA-87-111

Attention: V. J. Abraham

SUBJECTS

1. Application to the Region for approval of a draft plan of subdivision, Regional File No. 25T-87024, City of Hamilton File No. SA-87-19, to establish 15 lots for "Zero-lot line" single family dwellings, a block for road widening, a block for a 0.3m reserve and a block for development with abutting lands.

2. Application to the City of Hamilton for approval of a rezoning, File No. ZA-87-111, for a change in zoning from "AA" (Agricultural) District to "R4" (Small Lot Single-Family Detached) District.

RECOMMENDATIONS

1. Subdivision Application

a) That approval be given for Application SA-87-19, Estate of Paul Cantelmi, owner, to establish a draft plan of subdivision on the west side of Upper Ottawa Street north of Everest Street, subject to the following conditions:

1. That the approval apply to the plan prepared by Sidney W. Woods Inc., dated June 25, 1987, revised to widen the cul-de-sac to 20m with a 15m radius bulb and to relot the plan to now show 14 lots with the "lands to be retained" shown as Lot 15, the street widening as Block "16", and a block for a 0.3m reserve.

2. That the owner acquire sufficient land to establish the street in full and the street and the street widening (Block "16") be dedicated as public highway on the final plan.

3. That the street be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

4. That the final plan conform with the City of Hamilton Zoning By-law.

5. That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.

6. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

7. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.

8. That the open side of the road allowance (Block "18") created by the plan be terminated in a 0.3m reserve to be conveyed to the City of Hamilton and to be held by the City until required for the development of adjacent lands.

9. That Block "17" be developed only in conjunction with abutting lands.

10. That the owner shall erect a sign in accordance with Section X of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

11. That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

b) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-87-19), Estate of Paul Cantelmi, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

2. Zoning Application

That approval be given to Zoning Application ZA-87-111, Marie Cantelmi, owner requesting a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Detached) District to permit the development of the subject lands for small lot, single-family dwellings for the lands located in the area municipally know as No. 1538 Upper Ottawa Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the subject lands be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Detached) District;

ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49D;

iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

iv) That the Templemead Neighbourhood Plan be amended by redesignating the subject lands from "Attached Housing" to "Single and Double Housing".

EXPLANATORY NOTE

The purpose of this by-law is to provide for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Detached) District for the lands located in the area municipally known as No. 1538 Upper Ottawa Street, as shown on the attached map marked as APPENDIX "A".

The effect of this by-law is to permit the development of the subject lands for single small lot family dwellings with an average lot size of 306m^2 and average lot width of 10m.

Respectfully submitted,

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

V. J. Abraham, M.C.I.P.
Director of Local Planning

BACKGROUND

Owner

Estate of Paul Cantelmi, c/o A. Cantelmi, Hamilton, Ontario

Surveyor

Sidney W. Woods, Inc., Hamilton, Ontario

Location

The lands, comprising 0.682 ha, are located on the west side of Upper Ottawa Street north of Everest Street in the Templemead Neighbourhood, being part of Lot 5, Concession 8, Township of Barton, now in the City of Hamilton.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
to the north	Single-family dwellings on large lots	"AA" (Agricultural) District
to the south	Vacant land and single-family dwellings	"R-4" (Small Lot Single-Family Detached) District
to the east	Across Upper Ottawa Street existing and future industrial development by registered plan of subdivision	"M-12" (Prestige Industrial) District
to the west	Single-family dwellings	"R-4" (Small Lot Single-Family Detached) District

PROPOSAL

The owner proposes to subdivide the lands into 15 lots for "zero lot line" single-family dwellings and to retain a parcel with an existing single-family dwelling. 5 lots would be serviced directly from Upper Ottawa Street and the balance of the lots would be serviced from Templemead Drive and a new cul-de-sac running easterly from Templemead Drive. The minimum lot size proposed would have a width of 9.175m and an area of 280m^2.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated as "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated "Residential - attached housing". A revision will be required to re-designate the area for "Residential - single and double".

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

Zoning - the lands are zoned "AA" (Agricultural) District which does not permit development as proposed, therefore, an amendment to the Zoning By-law to rezone the lands to an appropriate residential category is required.

COMMENTS FROM CIRCULATION

1. Subdivision Application

The following agencies have advised that they have no comment or objection toward the proposal:

Ministry of Municipal Affairs
Ministry of Transportation and Communications
Ministry of the Environment (subject to standard noise conditions)
Ministry of Natural Resources
Ministry of Citizenship and Culture
Niagara Escarpment Commission
Hamilton Region Conservation Authority
Ontario Hydro, Union Gas, Bell Telephone
City of Hamilton Board of Education
City of Hamilton Building Department (subject to rezoning).

The Hamilton-Wentworth Department of Engineering - has submitted the following comments and recommendations:

"1. Lots 1 to 15 (inclusive) can be serviced to existing sewers and watermains on Templemead Drive and Upper Ottawa Street.

2. The applicant is to dedicate to the Region by certificate on the Final Plan, sufficient lands to establish the property line on Upper Ottawa Street at 15.24 metres from the centreline of the original road allowance.

3. The 0.3 metre reserve adjacent to Templemead Drive and fronting Lots 1 to 5 (inclusive) and the proposed Cantelmi Court, is to be purchased from the City and incorporated into the survey plan prior to the registration of the Final Survey Plan for these lots. The Subdivider will also be required to pay for the cost of existing City and Regional services associated with this reserve, under the subdivision agreements.

4. The existing dwelling at #1538 Upper Ottawa Street should be numbered as "Lot 16", and Block "A" (road widening) be extended to the north limit of these lands.

5. The Department of Transportation staff have made the following comments and recommendations:

a) The cul-de-sac width of Cantelmi Court at Templemead Drive is to be established at 20 metres in width; the cul-de-sac bulb radius established at 15 metres; and the transition into the cul-de-sac is to be shown at a 9 metre radius. (see attached sketch)

b) The Developer will be required to acquire sufficient lands to establish the cul-de-sac at the 20 metre width if he wishes to maintain the proposed lot layout. Otherwise the lots will have to be

adjusted to establish the cul-de-sac entirely within the subdivision. This will have to be finalized prior to the registration of the Final Survey Plan.

c) A 0.3 metre reserve is to be established along the southerly boundary of Cantelmi Court and deeded to the City of Hamilton.

d) Since this draft plan does not comply with the neighbourhood plan by proposing multiple dwelling development fronting on Upper Ottawa Street, the single family lots will create driveway access problems due to site distance restrictions. To solve this problem, the applicant will be required by the Subdivision Agreement, to provide vehicle turnarounds, vehicle right-of-way easements and locate the driveways for Lots 13 to 16 in specific locations. The applicant should contact the Transportation staff for the details. Alternately, the applicant may wish to consider extending the cul-de-sac so that the lots at Upper Ottawa Street would be established as reverse frontage lots. If the Developer should choose to do this, then he will still be required to pay for the existing services on Upper Ottawa Street. A reserve should also be created along the rear so that "through lots" will not exist from a Zoning By-law standpoint.

6. There will be no Regional share for services in this development.

7. The Developer is to enter into subdivision agreements with the City of Hamilton and the Region of Hamilton-Wentworth prior to the development of any portion of the subject lands.

8. The submitted plan, as prepared by Lawrence G. Woods, O.L.S. and dated June 25, 1987, is satisfactory to the Departments of Engineering and Transportation, subject to the above-referenced comments and recommendations."

The City of Hamilton Traffic Department has submitted the following comments:

"We recommend that the plan be modified to extend the cul-de-sac easterly to facilitate the development of reversed frontage lots adjacent to Upper Ottawa Street. In accordance with the policies contained in the Regional Official Plan, access to arterial roads should be minimized."

2. Zoning Application

The following have advised that they have no comment or objection:

City of Hamilton Building Department
City of Hamilton Traffic Department (subject to comments on subdivision application)
Hamilton Region Conservation Authority.

The Hamilton-Wentworth Department of Engineering has submitted the following comments:

"Please be advised that public watermains as well as separate storm and sanitary sewers are available to service the subject lands.

As a condition of approval, we recommend that sufficient lands be dedicated to the Region to establish the property line 15.24m (50 feet) from the centre line of the original Upper Ottawa Street road allowance.

Any work within the adjacent road allowances must conform to the respective Streets By-Laws.

Access requirements as well as the recovery of servicing costs are covered and are subject to a satisfactory plan of subdivision and subdivision agreement".

COMMENTS

1. The conformity of the proposal with the Official Plans and the need for an amendment to the Templemead Neighbourhood Plan is noted.

2. As no part of the subject lands is designated for park and recreational use in the approved neighbourhood plan, it is recommended that the parkland requirement for this subdivision be taken as cash-in-lieu of land.

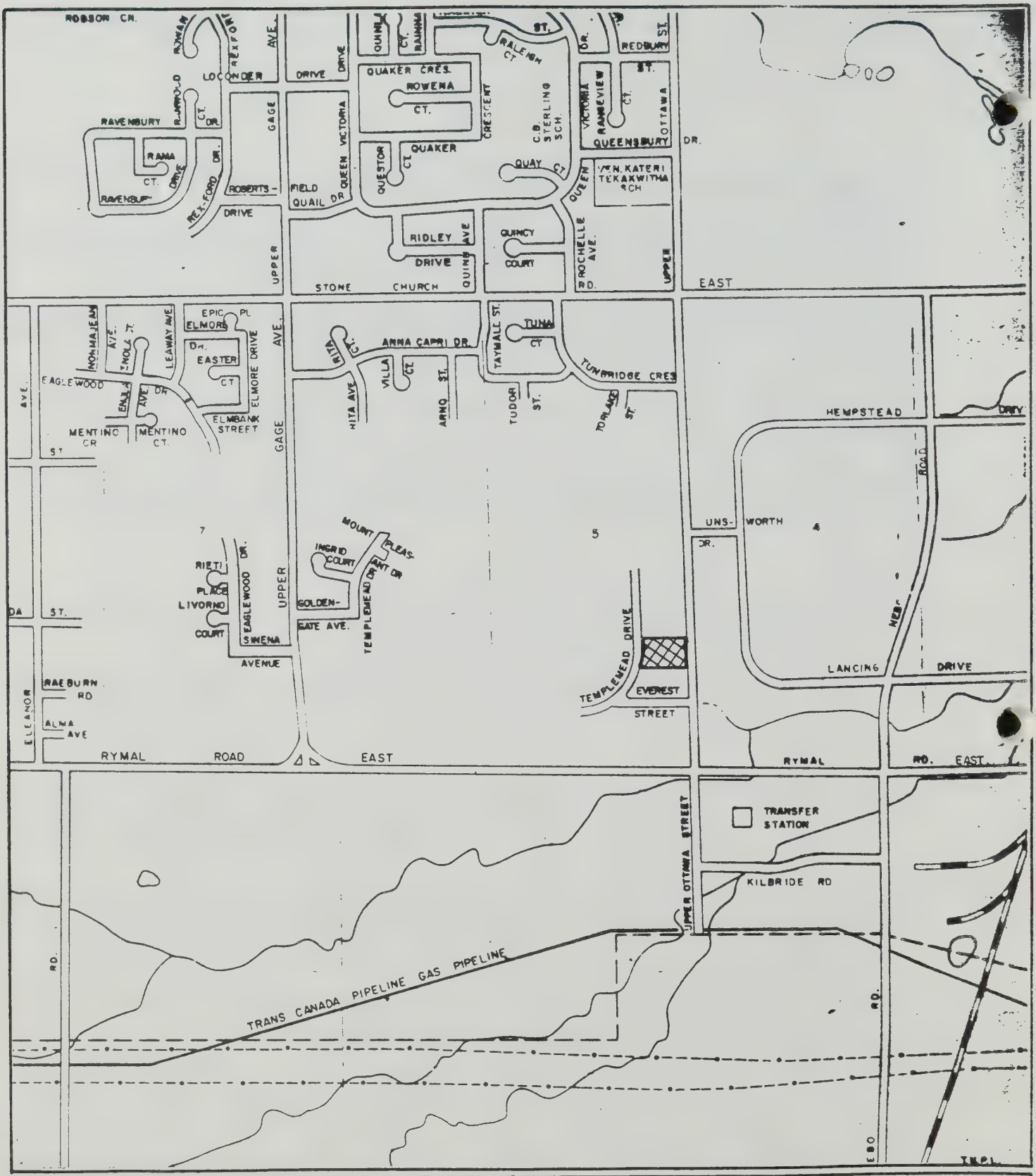
3. Due to the recommended widening of the cul-de-sac to 20m, the area of proposed Lots 1-5 will have to be relotted to provide 4 lots only at this location and the remaining lots will be renumbered accordingly.

4. Revision of the plan to provide reverse frontage lots along Upper Ottawa Street as recommended by the Traffic Department and suggested as an alternative by the Transportation Department, would result in an unbalanced streetscape, as three new lots to the south of the proposal, which were created through the Land Division Committee, and several other existing lots all have their access to the arterial road, as do the new industrial lots along the east side of the road.

5. If the proposed lots along the west side of Upper Ottawa Street are not wide enough to provide the "vehicle turnarounds" required by the Transportion Department, then the lots to be shown on the final plan should be widened by eliminating one lot in this area of the plan. This can be determined prior to preparation of the final plan for inclusion in the Subdivision Agreement.

6. The zoning proposal can be supported on the basis that the proposed use will be compatible with the existing and proposed single-family development to the north, south and west.

CMD/jd



Location Plan For

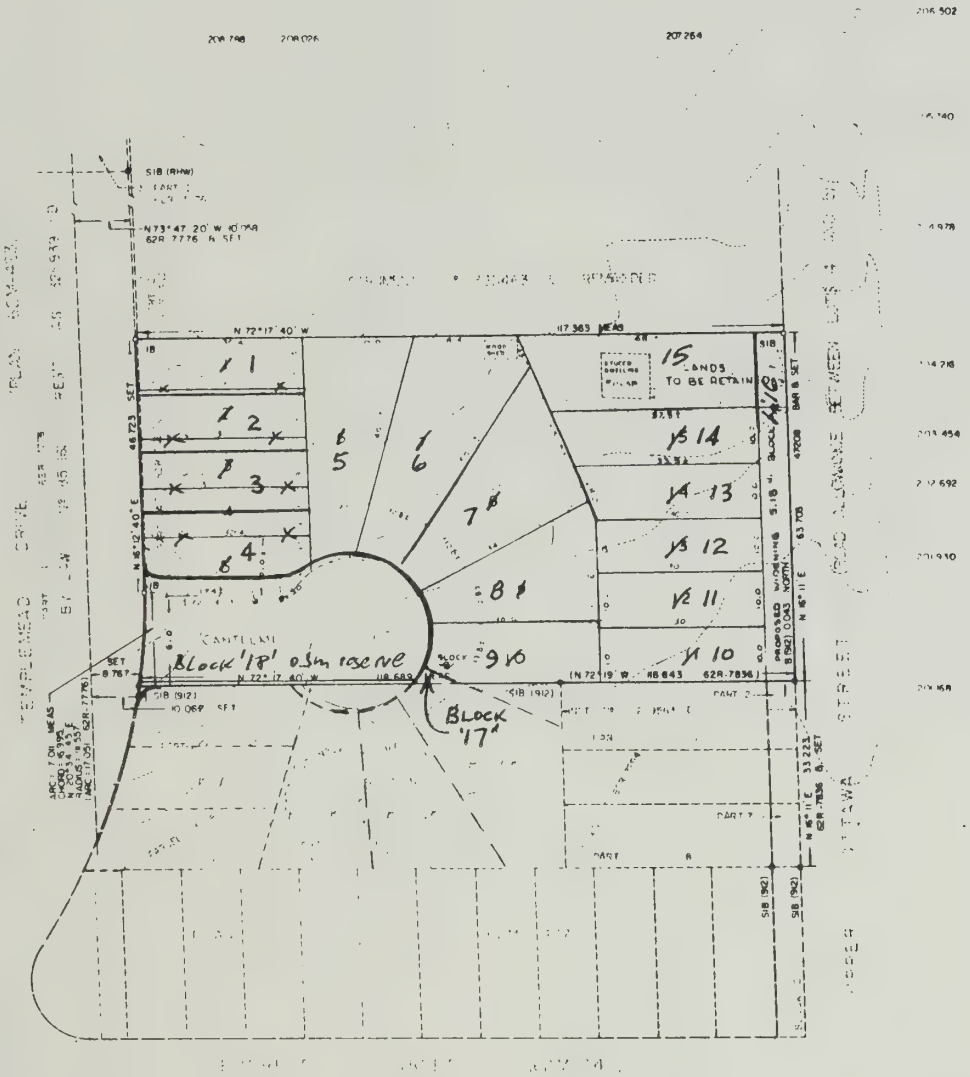
CANTELMI COURT

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

PROPOSED SUBDIVISION

North	Scale	Reference File No.
	N. T. S.	25 T-87024
	Date	Drawing No.
	JULY 2, 1987	

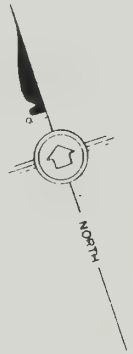


NOTE THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT

METRIC DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048



KEY PLAN SCALE 1 5000



DRAFT PLAN OF Cantelmi Court

BEING
PART OF LOT 6 - CONCESSION 8
IN THE GEOGRAPHIC
TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON WENTWORTH

SCALE 1 500

Sidney W. Woods Inc.
1986

SCHEDULE - REGULATION 30-(2)

(A) - SHOWN
(B) - SHOWN
(C) - SHOWN
(D) - RESIDENTIAL
(E) - RESIDENTIAL & OPEN SPACE
(F) - SHOWN
(G) - SHOWN
(H) - MUNICIPAL WATER IS AVAILABLE
(I) - SHOWN
(J) - SHOWN
(K) - ALL USUAL MUNICIPAL SERVICES WILL BE AVAILABLE
(L) - NONE

OWNER'S CERTIFICATE

IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 30 OF THE PLANNING ACT, I/WE AUTHORIZE SIDNEY W. WOODS INC. TO SUBMIT THIS PLAN FOR APPROVAL

DATED THE 25TH DAY OF JUNE - 1987

ANTONIA P. CANTELMI

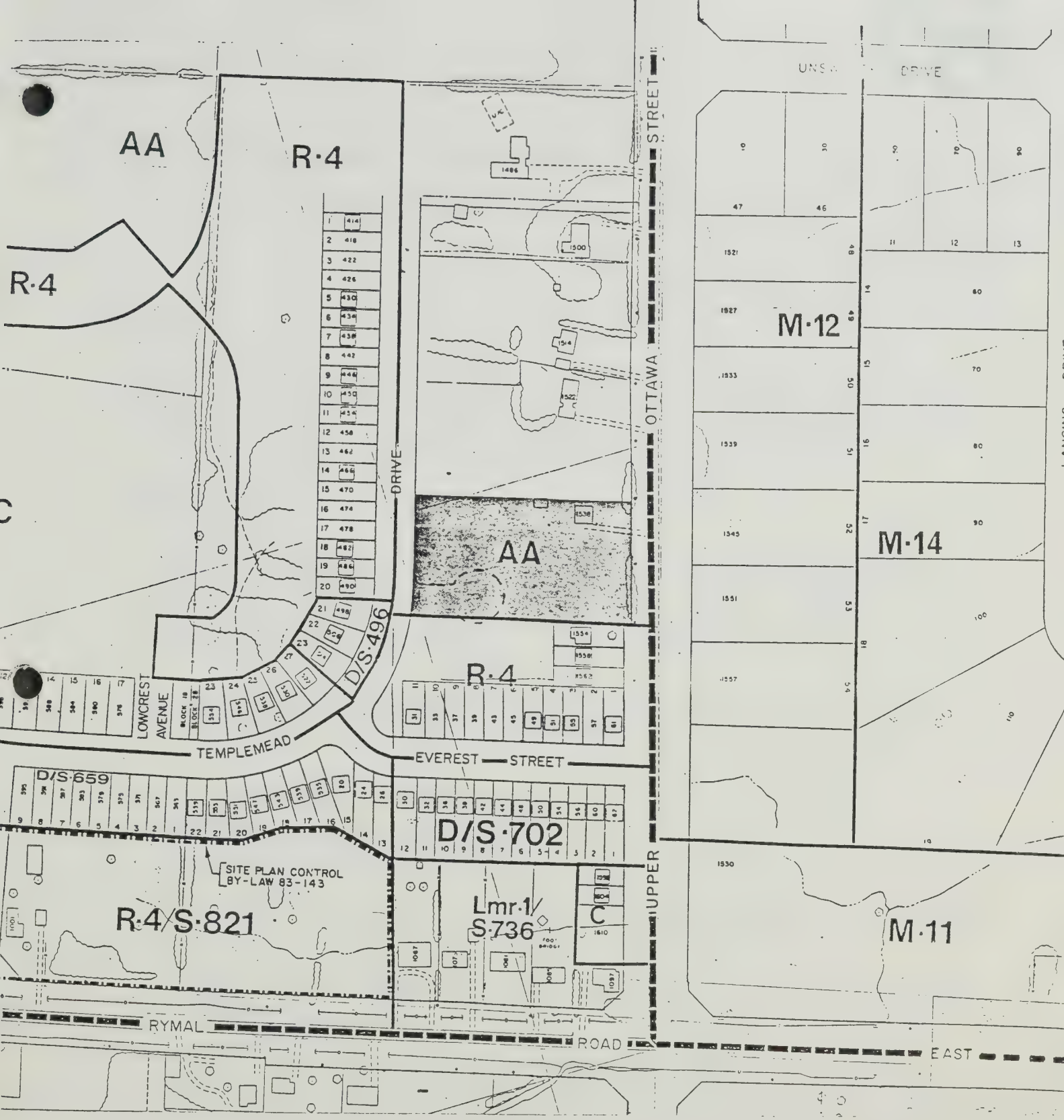
SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN

LAWRENCE G. WOODS O.L.S.
HAMILTON ONTARIO
JUNE 25, 1987

SIDNEY W. WOODS INC.
ENGINEERS & SURVEYORS
HAMILTON ONTARIO

25T-81024(Rev) SA-87-19 C-4677



LEGEND

SITE OF THE APPLICATION

ZA 87-111

APPENDIX A

18.

FOR ACTION

FROM Planning and Development Department

DATE January 20, 1988

TO Planning and Development Committee

Refer to File No. ZA-87-119
BRULEVILLE
NEIGHBOURHOOD

Attention Of V. J. Abraham

SUBJECT

Request for a further modification to the established "HH" (Restricted Community Shopping and Commercial, etc.) District regulations applicable to property at Nos. 986 to 998 Upper Wentworth Street. The purpose of the application is to permit a restaurant and tavern use which is prohibited.

RECOMMENDATION

1. That Zoning Application 87-119, 645437 Ontario Limited, Aaron Barzilay, owner, requesting a further modification to the Established "HH" (Restricted Community Shopping and Commercial, etc.) District regulations to permit a restaurant and tavern on property at Nos. 986 to 998 Upper Wentworth Street be tabled for the following reasons:

   i) It is contrary to the Official Plan (i.e., O.P.A. 31) which specifically prohibits high traffic generating uses such as restaurants and taverns from locating on, among others, the subject lands;

   ii) It is contrary to the approved Bruleville Neighbourhood Plan;

   iii) No new evidence has been provided to justify changes to the established policy of City Council;

   iv) Approval of this application would establish an undesirable precedent and set the stage for future similar applications; and,

   v) It could prejudice the results of a land use study currently underway regarding properties located on the west side of Upper Wentworth, south of Mohawk Road.

2. That the Traffic Department be directed to review the policy related to the prohibition of high traffic generating uses within the area along both sides of Upper Wentworth Street between Mohawk Road and Limeridge Road and report to the Planning and Development Committee with recommendations.

V. J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development

J. D. Thoms, M.C.I.P.
Commissioner

APPLICANT

645437 Ontario Limited, Aaron Barzilay, owner

LOT SIZE AND AREA

- 60.96m (200.0 feet) of lot frontage on Upper Wentworth Street;
- 130.787m (429.0 feet) of lot depth; and,
- 7,972m^2 (85,812.70 square feet) of lot area.

LAND USE AND ZONING

	EXISTING LAND USE	EXISTING ZONING
SUBJECT LANDS	Shopping Centre	"HH" (Restricted Community Shopping and Commercial, etc.) District, modified
SURROUNDING LANDS		
To the north	Parking Lot for Toys "R" Us store	"G-1" (Designed Shopping Centre, etc.) District
To the south	Retail Stores and a Car Dealership	"HH" (Restricted Community Shopping and Commercial, etc.) District, modified
To the east	Lime Ridge Mall	"G-2" (Regional Shopping Centre, etc.) District
To the west	Small lot single-family dwellings and Toys "R" Us store	"D" (Urban Protected Residential One and Two-Family Dwellings, Townhouses, etc.) District and "G-1" (Designed Shopping Centre, etc.) District

OFFICIAL PLAN

Designated "Commercial" on Schedule "A" on the Land Use Concept Plan of the Official Plan, and located within SPECIAL POLICY AREA 33 on Schedule "B" - Special Policy Areas of the Official Plan.

Regarding Special Policy Area 33, the following policy applies to the proposal:

A.2.9.3.28 Notwithstanding the permitted uses set out in Subsection A.2.2 (Commercial Uses) for those lands shown on Schedule "B"

as SPECIAL POLICY AREA 33, high traffic generating commercial and public uses, such as restaurants, and other places of assembly, will be prohibited. Further, it is intended that the number of new vehicular accesses onto Upper Wentworth Street from the affected lands will be limited.

The proposal to locate a new restaurant and tavern within the subject shopping centre directly contravenes the provisions of SPECIAL POLICY AREA 33 of the Official Plan. In this respect, the application does not comply and therefore, would involve an Official Plan Amendment.

NEIGHBOURHOOD PLAN

The subject lands are designated "Commercial" on the approved Bruleville Neighbourhood Plan, and are situated within the area specifically notated on the approved plan that prohibits high traffic generator type uses such as restaurants. The proposal does not comply with the intent of the approved Bruleville Neighbourhood Plan.

BACKGROUND

Current Application

The applicant has advised that, "a restaurant and tavern would draw its support from employees and patrons of existing businesses in the immediate area. Traffic would be drawn from background traffic on Upper Wentworth Street and King Fisher Drive. A restaurant is required as an anchor tenant for the shopping centre. Shared parking and access have been arranged with the adjoining land owner." In this regard, the applicant has indicated in Part 7 of the Zoning Application that there is a reciprocal shared parking and access agreement with Toys "R" Us (Canada) Ltd. for a period of 21 years less a day. The applicant has provided a letter from his traffic consultant, R. E. Winter & Associates, to verify this information. (See APPENDIX D attached.)

Previous Proposals to Establish Restaurant and Tavern Uses

- There is a lengthy history of applications concerning the location of restaurants on Upper Wentworth Street in the area south of Mohawk Road East. In total, seven applications to permit restaurants were not supported by either the Planning Department or the Traffic Department and are summarized below. Six of the applications were subsequently denied by City Council and one application (ZA-86-62) was tabled at the request of the applicant.

  Regarding the first five applications, the Traffic Department, in their letter of June 14, 1985, included the following comment:

  "1. The land uses which we recommend be prohibited from the newly-designated commercial land parcels on Upper Wentworth Street are those contained in Section 4(f) of Table 1 of Section 18A of Zoning By-law 6593; specifically, 'Tavern, Public House, Beverage Room, Restaurant, Theatre, Cinema, and any place of assembly for commercial

use.' We recommend that these uses be prohibited because the potential trip generation rates for these uses can be very high, and further, that they can occur during street peak hours. The impact of both of these factors was addressed in our letter to you on 'Lands Along Upper Wentworth Street Between Mohawk Road and Limeridge Road', dated 1985 April 18."

(For full comments, see the attached letters APPENDICES B and C.)

Six of the applications were subsequently denied by City Council, and one application (ZA-86-62) was tabled at the request of the applicant (E. Monkley, Block "1" on APPENDIX A-1).

Zoning Application	Site Location (See Appendix A-1)	Applicants
ZA-83-59	Block 2	L.P.B. Brown
ZA-80-11	Block 5	426337 Ontario Limited
ZA-80-66	Block 3	Isobel Forrester and authorized adjoining owners
ZA-80-70	Block 1	Gordon and Mary Eaton
ZA-80-79	Block 1	E. Monkley
ZA-80-82	Block 2	Abbotsford Homes Ltd.

- Site Specific By-laws

On August 27, 1985, City Council passed By-law 85-171 applicable to lands located on the west side of Upper Wentworth Street (Blocks 2 and 3 on APPENDIX A-1), and By-law 85-172 applicable to lands located on the east side of Upper Wentworth Street (Block 1 on APPENDIX A-1) which rezoned the sites to "HH" (Restricted Community Shopping and Commercial, etc.) District, modified. Among other restrictions, the By-laws prohibited restaurant and tavern uses. (See copies of By-laws attached.)

- Review of Land Use Designations for Bruleville and Thorner Neighbourhoods along both sides of Upper Wentworth Street between Mohawk Road and Limeridge Road

The Planning Department was requested by the Planning and Development Committee, on April 19, 1981, to review Land Use designations along Upper Wentworth Street between Mohawk Road and Limeridge Road. The review was requested because of the number of rezoning applications received over a period of time to permit commercial development, which included restaurants. The review of the zoning applications noted above were delayed pending the outcome of an Ontario Municipal Board Hearing related to the former Loblaw site rezoning (Toys "R" Us) site. As part of the review, the Planning Department was directed to consult with the City

Traffic Department regarding traffic analysis. As a result of the study, City Council, on June 25, 1985, adopted a recommendation of the Planning and Development Committee to amend the Bruleville and Thorner Neighbourhood Plans (see APPENDIX A-2). The amended plan includes the following special requirements:

1. that commercial uses should not include high traffic generators such as restaurants;

2. that the number of new accesses onto UpperWentworth Street be minimized; and,

3. that Site Plan Control apply.

On July 30, 1985, City Council adopted Official Plan Amendment No. 31 to redesignate the subject lands to "Commercial" and to establish a Special Policy Area to further regulate the use of lands in this area by prohibiting high traffic generating commercial uses such as restaurants and other places of assembly. On January 8, 1986, the Amendment was approved by the Minister of Housing.

COMMENTS RECEIVED

- The Building Department has advised that:

  "The proposed uses of a restaurant and tavern are prohibited as per the special requirements of By-law 85-171."

- The Traffic Department has advised that the application is satisfactory.

- The Hamilton-Wentworth Engineering Department has advised that:

  - full municipal water and sewer services are available;
  - no further road widenings are anticipated at this time; and,
  - any work within the Upper Wentworth Street road allowance, as widened, must conform to the Region's Road Use By-law.

- The Local Architectural Conservation Advisory Committee staff and the Hamilton Region Conservation Authority staff have no comments or objections.

COMMENTS

1. The proposal does not comply with the City of Hamilton Official Plan.

2. The proposal does not comply with the Approved Bruleville Neighbourhood Plan.

3. There is insufficient data provided by the applicant's traffic consultant to determine the traffic impacts of the development on the roadway system.

4. The proposal cannot be supported for the following reasons:

   i) It is contrary to adopted Council Policy (i.e., O.P.A. 31 and By-law 85-171) which specifically prohibits high traffic generating uses such as restaurants and taverns from locating on, among others, the subject lands;

   ii) Regarding previous applications to permit restaurant or tavern uses within the area south of Mohawk Road East on both sides of Upper Wentworth Street, both the Traffic Department and the Planning Department have been consistent in their recommendations to prohibit such uses;

   iii) No new evidence has been provided by the Traffic Department at this time to jusfity changes to established Council Policy for commercially-zoned lands fronting onto both sides of Upper Wentworth Street in the area south of Mohawk Road East; and,

   iv) Approval of this application would establish an undesirable precedent and set the stage for future similar applications.

5. Should the Planning and Development Committee decide to give further consideration to the application, it is suggested that the application be tabled, pending:

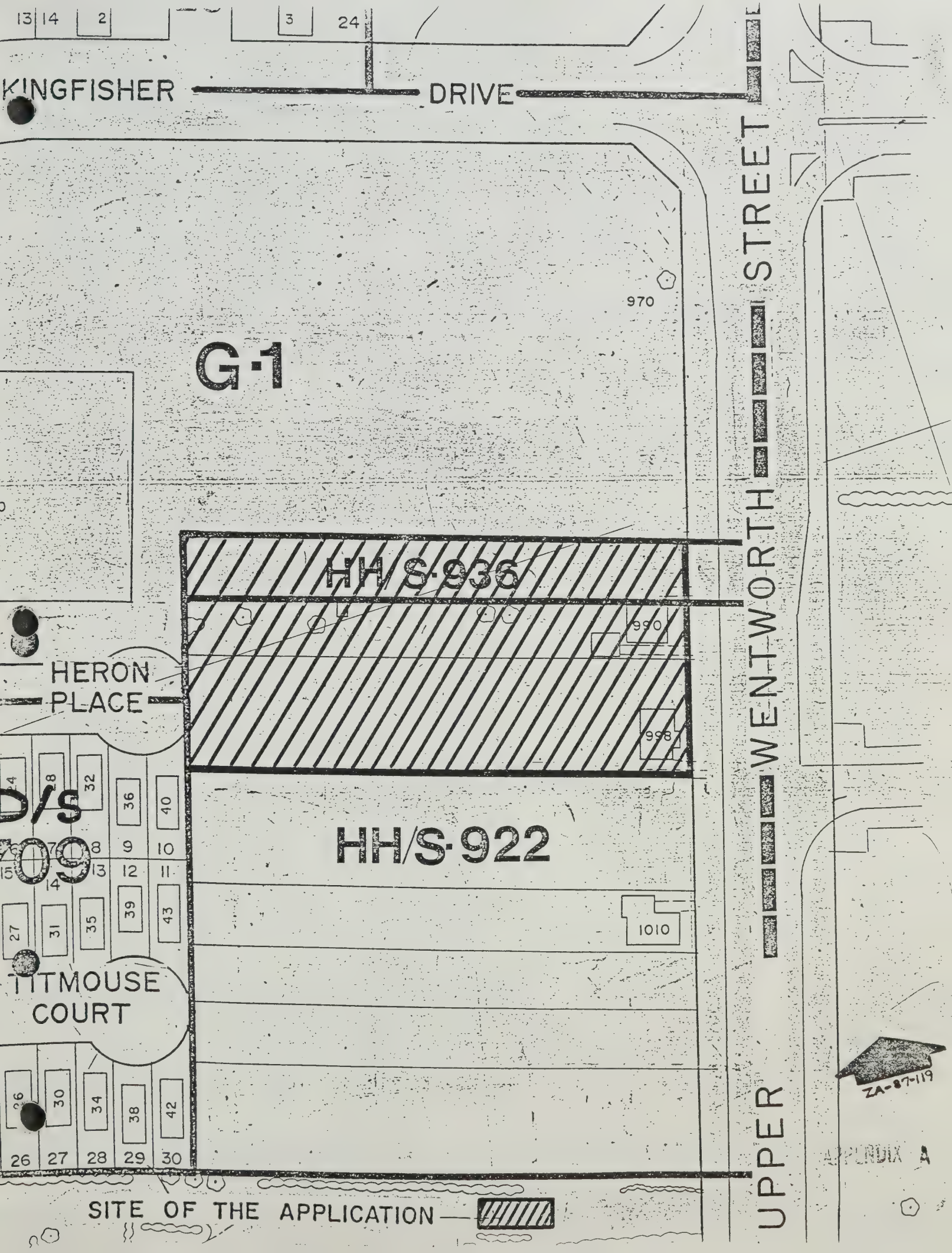
   a) the outcome of a study currently underway related to properties located on the west side of Upper Wentworth Street between Mohawk Road and Kingfisher Drive; and,

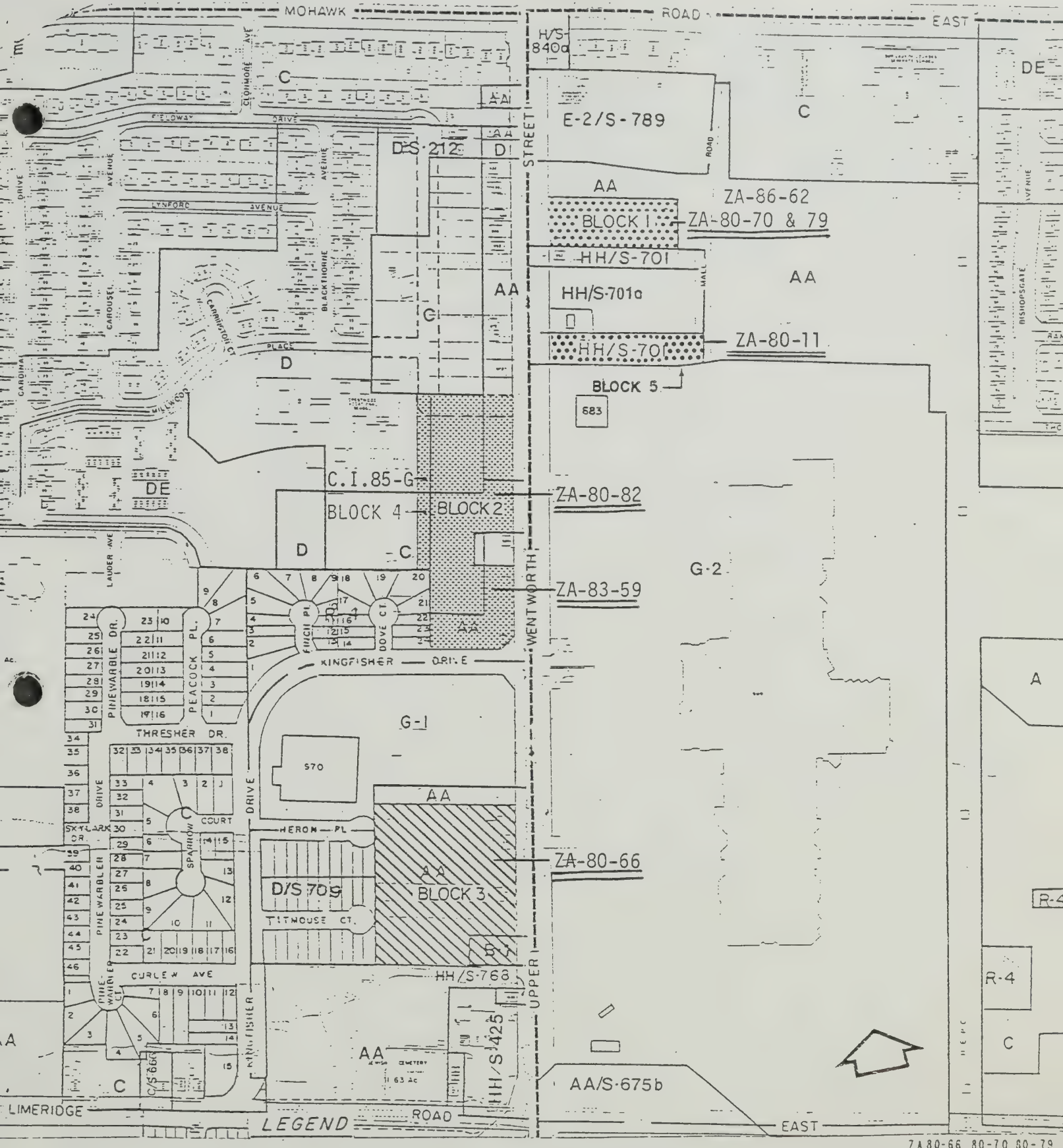
   b) a Traffic Department review of the policy related to high traffic generating uses within the entire area along Upper Wentworth Street between Mohawk and Limeridge Roads.

CONCLUSION

On the basis of the foregoing, the application cannot be supported.

GAW:cab.
0118P


KINGFISHER DRIVE
UPPER WENTWORTH STREET
G-1
HH/S-936
HH/S-922
970
990
998
1010
HERON PLACE
TITMOUSE COURT
SITE OF THE APPLICATION
ZA-87-119
APPENDIX A



ZA 80-66, 80-70, 80-79,
ZA 80-82, 83-59, C.I.85-G

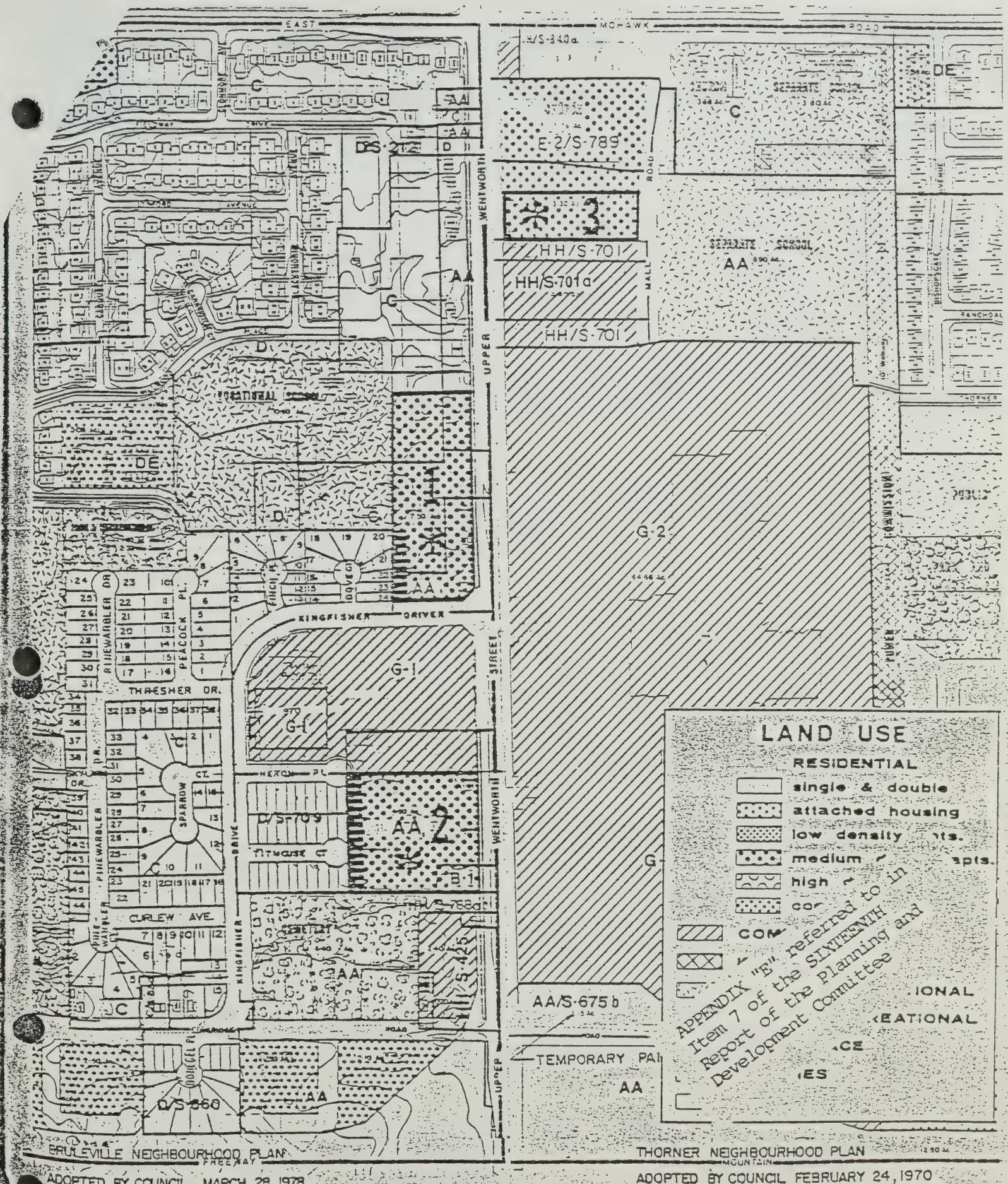
Lands for which the following zoning changes are proposed:

BLOCKS 1 & 5 From "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District

BLOCK 2 & 4 From "AA" (Agricultural) District, "C" (Urban Protected Residential, etc.) District and "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "HH" (Restricted Community Shopping and Commercial) District

BLOCK 3 From "AA" (Agricultural) District and "B-1" (Suburban Agriculture and Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District

APPENDIX A



SUBJECT SITES

D-15

123 PROPOSED NEIGHBOURHOOD PLAN CHANGE FROM "MEDIUM DENSITY APARTMENTS" TO "COMMERCIAL"

PROPOSED 10' WIDE BUFFER

* HIGH TRAFFIC GENERATORS SUCH AS RESTAURANTS WILL NOT BE PERMITTED

APPENDIX A2

THE CORPORATION OF THE CITY OF HAMILTON

City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

DEVELOPMENT DIVISION				
FILE NO.				
RECEIVED JUN 18 1985				
TO		INIT.	ACT.	INFO.
	DIRECTOR			
✓	LAND USE MANAGER			
	LAND DEV. MANAGER			
✓	STAFF	GW.		

1985 June 14

Mr. V.J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

Att: Mr. G.A. Whitehouse

Re: Upper Wentworth Street Between Mohawk and Limeridge Roads

Dear Sir:

In response to your memo of 1985 June 07 requesting a list of uses which, in our opinion, should be prohibited in newly-designated commercial land parcels, and also in response to your memo of 1985 June 10 requesting an update on our comments on Zoning Applications 80-66, 70, 79, 82 and 83-59, we are pleased to report as follows:

1. The land uses which we recommend be prohibited from the newly-designated commercial land parcels on Upper Wentworth Street are those contained in Section 4(f) of Table 1 of Section 18A of Zoning By-law 6593; specifically, "Tavern, Public House, Beverage Room, Restaurant, Theatre, Cinema, and any place of assembly for commercial use." We recommend that these uses be prohibited because the potential trip generation rates for these uses can be very high, and further, that they can occur during street peak hours. The impact of both of these factors was addressed in our letter to you on "Lands Along Upper Wentworth Street Between Mohawk Road and Limeridge Road", dated 1985 April 18.

2. Our previous comments on the five Zoning Applications are largely no longer relevant, as they dealt with the general issue of whether or not commercial uses should be permitted at all. As a result of the Planning and Development Committee meeting on 1985 May 15, the Bruleville and Thorner Neighbourhood Plans have been modified to show commercial designations on the lands subject to the five Zoning Applications. Given that commercial uses are to be permitted on these land parcels, subject to certain land use prohibitions as described above, the only outstanding issue is access. It is essential that common access and parking facilities be required for each of the newly-designated commercial areas, and the means of implementing this requirement, whether that be land assembly, easements, rights-of-way, or whatever, should be identified and established immediately.

With respect to ZA-80-70 and ZA-80-79, for lands located between Upper Wentworth Street and Mall Road, access from Mall Road and to and from northbound Upper Wentworth Street can be provided. This access system would provide ready access to every direction.

.../2

APPENDIX B

The block of land subject to ZA-80-81 and ZA-83-59, if assembled, would have access to Kingfisher Drive and to and from southbound Upper Wentworth Street. This access system would provide ready access to every direction.

Land on the west side of Upper Wentworth Street south of the Toys'R'Us store, which is the subject of ZA-80-66, can only be provided with access to and from southbound Upper Wentworth Street. If an agreement can be arranged for the utilization of the proposed right-of-way over the Toys'R'Us property to Kingfisher Drive and to Upper Wentworth Street in favour of undetermined lands to the south of Toys'R'Us, then access would be possible to every direction.

It goes without saying that all of the lands should be subject to Site Plan Control. It is recommended that the means of providing common access driveways be investigated in advance of rezonings, with advice from the City Solicitor, as required.

Yours truly,

Murray F. Main

Murray F. Main, P. Eng.
Director of Traffic Services

TG/rm

cc: Mr. K.A. Rouff
City Solicitor

APPENDIX B

THE CORPORATION OF THE CITY OF HAMILTON
City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

1985 June 24

Mr. V.J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

Att: Mr. G.A. Whitehouse

Re: Upper Wentworth Street Between Mohawk and Limeridge Roads

Dear Sir:

Further to our letter of 1985 June 14 (copy attached), which specified certain land uses which, in our opinion, should be prohibited in newly-designed land parcels along Upper Wentworth Street, we wish to add to this list as follows:

Section 3(c) of Table 1 of Section 18A of Zoning By-law 6593 contains a list of public uses, specifically "Place of Assembly, Private Club, Lodge, Fraternity House, Sorority House and Labour Union Hall", which are allowed in lands zoned as "HH" Commercial. We recommend that these uses be prohibited because the potential trip generation rates for these uses can be very high and, further, that they can occur during street peak hours.

Yours truly,

Murray F. Main, P. Eng.
Director of Traffic Services

MW/rm
Attch.

cc: Mr. T. Gill
Traffic Planning Engineer

APPENDIX C

Bill No. C- 84

The Corporation of the City of Hamilton

BY-LAW NO. 85-171

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED ON THE WEST SIDE OF UPPER WENTWORTH STREET, BETWEEN MOHAWK ROAD EAST AND LIMERIDGE ROAD EAST, IN THE VICINITY OF KINGFISHER DRIVE

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, proposed by the Council of The Corporation of the City of Hamilton, but not yet approved by the Minister under The Planning Act at the time of the passing of the by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheets No. E-18 and E-18A of the District Maps, appended to and forming part of By-law No. 6593, are amended,

(a) by changing from "AA" (Agricultural) district, "C" (Urban Protected Residential, etc.) district and "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) district to "HH" (Restricted Community Shopping and Commercial) district, the land comprised in Block 2; and

(b) by changing from "AA" (Agricultural) district and "B-1" (Suburban Agriculture and Residential, etc.) district to "HH" (Restricted Community Shopping and Commercial) district, the land comprised in Block 3; and

(c) by changing from "C" (Urban Protected Residential, etc.) district and "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) district to "HH" (Restricted Community Shopping and Commercial) district, the land comprised in Block 4

the extent and boundaries of each of which Blocks 2, 3 and 4 are shown on a plan hereto annexed as schedule "A".

2. The "HH" (Restricted Community Shopping and Commercial) district provisions applicable to the lands referred to in section 1 are amended to the extent only of the special requirements that,

(a) notwithstanding subsection 14A(1) of By-law No. 6593, the following,

(i) PUBLIC USES shall be prohibited:

1. The uses referred to in clause 11(1)(viii) of By-law No. 6593;

(ii) COMMERCIAL USES shall be prohibited:

1. The uses referred to in clause 13(1)(vii) of By-law No. 6593.

2. An auctioneer's premises referred to in clause 14(1)(xiv) of By-law No. 6593.

3. The uses referred to in clauses 14A(1)(ca) and (cb) of By-law No. 6593.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "HH" District provisions, subject to the special requirements referred to in section 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as "S-922".

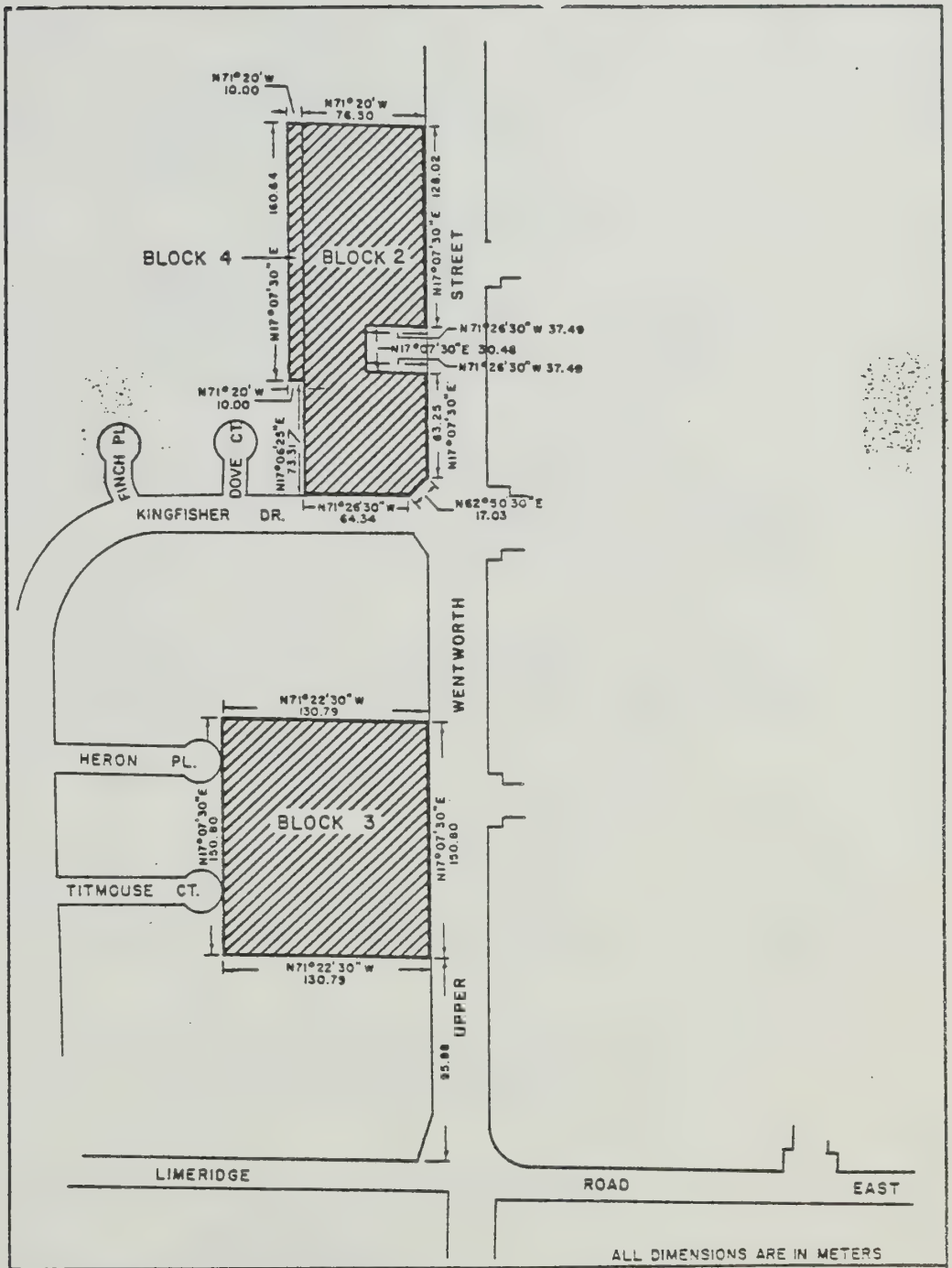
5. Sheets No. E-18 and E-18A of the District Maps are amended by marking the lands referred to in section 1 of this by-law, "S-922".

6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with The Planning Act, 1983.

PASSED this 27th day of August, A.D. 1985.

City Clerk Mayor

(1985) 22 R.P.D.C. 6(B)(ii,iii,iv), July 30
Isobelle Forster, Owner and authorized
adjoining property owners (ZA-80-66)
Abbotsford Homes Limited, Owner (ZA-80-82)
L. Patrick, B. Brown, Owners (ZA-83-59)
City Initiative 85-G



THIS IS SCHEDULE "A" TO BY-LAW No. 85- 171
PASSED THE 27 DAY OF August, 1985.

Clerk Mayor

Legend

BLOCK 2 — CHANGE IN ZONING FROM "AA" (AGRICULTURAL) DISTRICT, "C" (URBAN PROTECTED RESIDENTIAL ETC.) DISTRICT AND "D" (URBAN PROTECTED RESIDENTIAL - ONE AND TWO FAMILY DWELLINGS ETC.) DISTRICT TO "HH" (RESTRICTED COMMUNITY SHOPPING AND COMMERCIAL) DISTRICT, MODIFIED.

BLOCK 3 — CHANGE IN ZONING FROM "AA" (AGRICULTURAL) DISTRICT AND "B-1" (SUBURBAN AGRICULTURAL AND RESIDENTIAL, ETC.) DISTRICT TO "HH" RESTRICTED COMMUNITY SHOPPING AND COMMERCIAL) DISTRICT, MODIFIED.

BLOCK 4 — CHANGE IN ZONING FROM "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT AND "D" (URBAN PROTECTED RESIDENTIAL - ONE AND TWO FAMILY DWELLINGS, ETC.) DISTRICT TO "HH" (RESTRICTED COMMUNITY SHOPPING AND COMMERCIAL) DISTRICT, MODIFIED.

CITY OF HAMILTON
SCHEDULE 'A'

MAP FORMING PART OF

BY-LAW No. 85-

TO AMEND BY-LAW No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

North	Scale	Reference File No.
	N.T.S.	ZA-80-66, ZA-80-82 ZA-83-59, C.I.85-G
	Date	Drawing No.
	AUG. 1985	85-H-114

S-924

Bill No. C-85 FINAL
AUG. 27, 1985

The Corporation of the City of Hamilton

CITY OF HAMILTON
DEPARTMENT OF BUILDINGS
SEP [illegible] 1985
REC. BY ..... DATE .....
REF'D TO ..... DATE .....
REF'D TO ..... DATE .....
REF'D TO ..... DATE .....

BY-LAW NO. 85-172

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED AT MUNICIPAL NUMBERS 841 and 849 UPPER WENTWORTH STREET AND REAR LAND

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under The Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet Number E-27 of the District Maps, appended to and forming part of By-law No. 6593, are amended,

(a) by changing from "AA" (Agricultural) district to "HH" (Restricted Community Shopping and Commercial) district, the land comprised in Block 1,

the extent and boundaries of which Block 1 are shown on a plan hereto annexed as schedule "A".

2. The "HH" (Restricted Community Shopping and Commercial) district provisions applicable to the lands referred to in section 1 are amended to the extent only of the special requirements that,

(a) notwithstanding subsection 14A(1) of By-law No. 6593, the following,

(i) PUBLIC USES shall be prohibited:

1. The uses referred to in clause 11(1)(viii) of By-law No. 6593;

(ii) COMMERCIAL USES shall be prohibited:

1. The uses referred to in clause 13(1)(vii) of By-law No. 6593.

2. An acutioneer's premises referred to in clause 14(1)(xiv) of By-law No. 6593.

3. The uses referred to in clauses 14A(1)(ca) and (cb) of By-law No. 6593.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "HH" District provisions, subject to the special requirements referred to in section 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as "S-924".

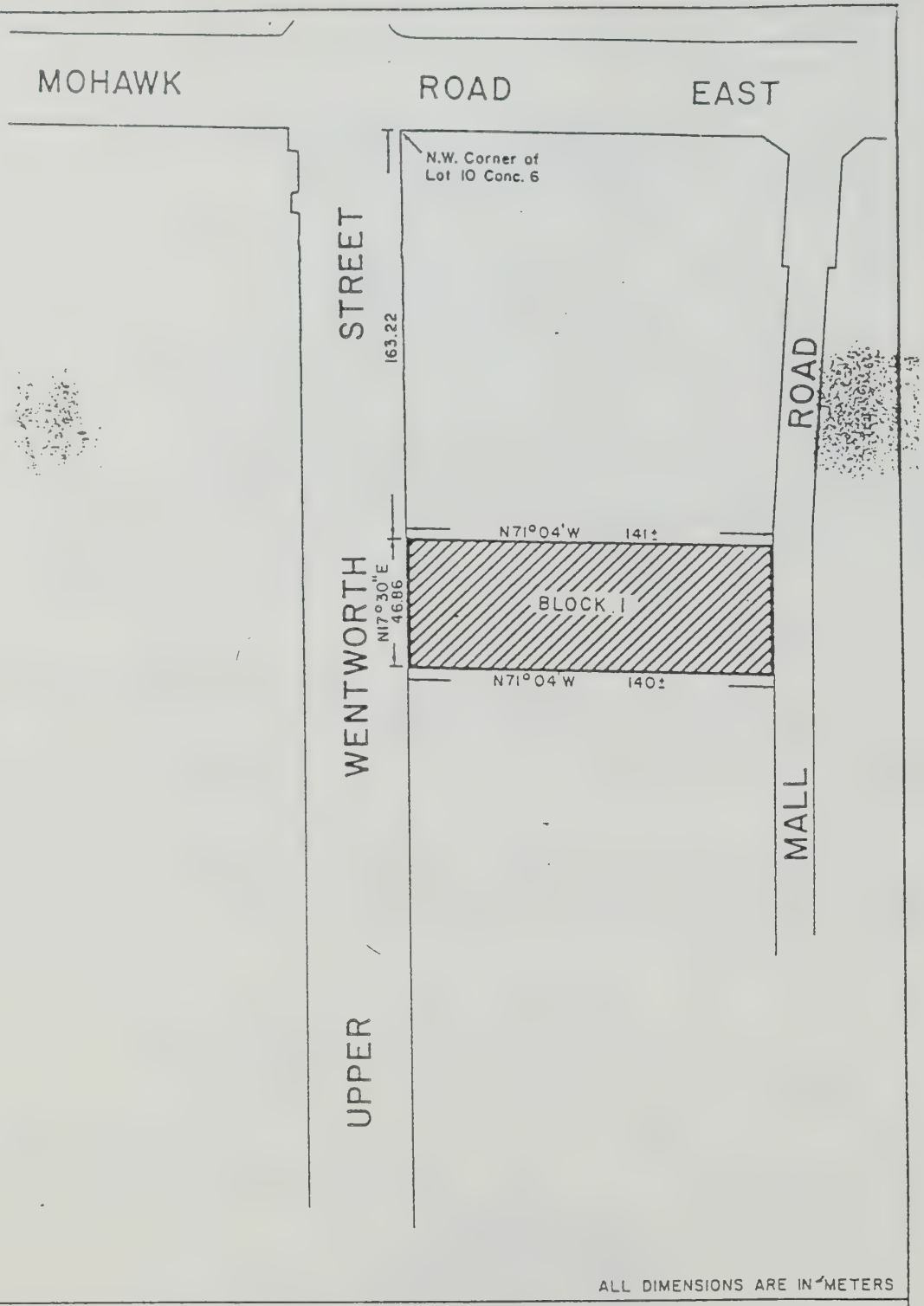
5. Sheet Number E-27 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, "S-924".

6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with The Planning Act, 1983.

PASSED this 27th day of August, A.D. 1985.

City Clerk Mayor

(1985) 22 R.P.D.C. 6(B)(i), July 30
Gordon Allan Eaton & Mary Olive Eaton, Owners (ZA-80-70)
E. Monkley, Owner (ZA-80-79)
City Initiative 85-J



ALL DIMENSIONS ARE IN METERS

THIS IS SCHEDULE "A" TO BY-LAW No. 85-172
PASSED THE 27th DAY OF August, 1985.

Clerk

Mayor

CITY OF HAMILTON
SCHEDULE 'A'
MAP FORMING PART OF
BY-LAW No. 85-
TO AMEND BY-LAW No. 6593
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

BLOCK 1 — CHANGE IN ZONING FROM "AA" (AGRICULTURAL) DISTRICT TO "HH" (RESTRICTED COMMUNITY SHOPPING AND COMMERCIAL) DISTRICT, MODIFIED.

North	Scale	Reference File No.
	N.T.S.	ZA-80-70 ZA-80-79 & C.I.85-3.
	Date	Drawing No.
	AUG. 1985	85-H-113

Winter
Associates

Consulting Engineers, Architects,
Planners & Landscape Architects

October 9, 1987

Mr. A. Barzilay
Dan Management
49 The Donway W.
Suite 330
Toronto, Ontario
M3C 2E8

RE: TRAFFIC IMPACT OF A COMMERCIAL DEVELOPMENT
AT 986-998 UPPER WENTWORTH STREET, HAMILTON
REWAL FILE NO. 7567x2

Dear Mr. Barzilay:

Further to our meeting of 7 October 1987 we have at your request reviewed the traffic implications of re-zoning your property to G1 to accommodate a restaurant or tavern.

Our preliminary review indicates that the prime traffic generations in the immediate vicinity of your site are the Limeridge Mall and Toys 'R' Us - immediately north of your site. As a result in our opinion traffic to your proposed restaurant/tavern would be diverted from the normal traffic streams on Upper Wentworth Street and would not attract significant new trips into the area.

Access to your site is excellent with direct access located on Upper Wentworth Road (right turn in/out) and access through the parking lot of Toys 'R' Us which has access on Upper Wentworth Road and Kingfisher Drive.
You have indicated to us that you have guaranteed access to the Toys 'R' Us parking lot for 21 years less 1 day.

It is our conclusion therefore that should your site be rezoned to permit the development of a restaurant and/or tavern there would be no detrimental traffic impact on the adjacent roads.

Yours very truly,

R.E. WINTER & ASSOCIATES LTD.

Per: Imants Hausmanis, P.Eng.
Director - Transportation Engineering

E2212/L-18

APPENDIX D

18a.

1988 01 12

Mr. & Mrs. D. Cravero
35 Titmouse Court
Hamilton, Ontario
L9A 4Y9

Secretary
Planning and Development Committee
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Re: Property Description - Nos. 986-998 Upper Wentworth Street

File-ZA87-119 SEQ-00030

Dear Sir/Madam,

We are enclosing this letter in addition to the reply card provided to reinforce our concerns about the proposed restaurant and tavern to be situated in our neighbourhood.

We, as new homeowners and perspective parents, are greatly concerned with having a 'tavern' practically in our backyard. We do not object to the recent development in our area as it provides great convenience for shopping etc.; however we question the necessity to have this type of business so close. It will undoubtly promote problems with noise and possible impaired drivers. Since this area is primarily one where many children are growing up we do not feel comfortable with the type of atmosphere this may create.

I hope these concerns are considered. We will be unable to attend the public meeting as we both will be working. Perhaps in future these public meetings could be held after business hours to facilitate the many number of residents who work outside the home during the day.

Thank you.

Sincerely yours

Mr. & Mrs. David Cravero

/enclosure

19.

FOR ACTION

FROM Planning and Development Department

DATE January 18, 1988

TO Planning and Development Committee

Refer To File No. ZA-87-48
MEWBURN NEIGHBOURHOOD

Attention Of V. J. Abraham

SECOND REPORT

SUBJECT

Request for changes in zoning for the property located on the west side of Upper James Street, in the area south of Stone Church Road West on the following basis:

Block 1 - From "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

Block 2 - From "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial), etc. District, modified.

Block 3 - From "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial), etc. District, modified.

Block 4 - From "H" (Community Shopping and Commercial, etc.) to "HH" (Restricted Community Shopping and Commercial) District, modified.

The purpose of the proposed changes is to permit the development of Block "1" for single family dwellings and Blocks "2", "3" and "4" for commercial uses.

RECOMMENDATIONS

1. That approval be given to Official Plan Amendment No. to redesignate the westerly portion of Block "2" from "Residential" to "Commercial" and to extend Special Policy Area No. 31; and, that the City Solicitor be directed to prepare a By-law to amend the Official Plan for submission to the Regional Municipality of Hamilton Wentworth.

2. That approval be given to an amended Zoning Application ZA-87-48, Bayfield Green Development Co., prospective owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District and "HH" (Restricted Community Shopping and Commercial, etc.) District, modified; and from "C" (Urban Protected Residential, etc.) District and "H" (Community Shopping and Commercial, etc.) District to "HH" (Restricted Community Shopping and Commercial, etc.) District, modified to permit the development of the subject lands for single family dwellings (Block "1") and a commercial plaza (Blocks "2", "3" and "4"), for the property located on the west side of Upper James Street in the area south of Stone Church Road West, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the amending By-law apply the holding provisions of Section 35(1) of the Planning Act R.S.O. 1983 to the subject lands, by introducing the holding symbol "H" as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until municipal sewers are installed.

Removal of the holding restriction shall be conditional upon the installation of municipal sewers serving the subject lands and passage of an amending By-law. City Council may remove the 'H' symbol, and thereby give effect to the "C" and "HH" provisions as stipulated in this by-law by enactment of an amending by-law once municipal sewers have been installed.

ii) That Block "1" be rezoned from "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc.) District;

iii) That Block "2" be rezoned from "AA" (Agricultural) District to "HH" - 'H' (Restricted Community Shopping and Commercial, etc.) District;

iv) That Block "3" be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" - 'H' (Restricted Community Shopping and Commercial, etc.) District;

v) That Block "4" be rezoned from "H" (Community Shopping and Commercial, etc.) District to "HH" - 'H' (Restricted Community Shopping and Commercial, etc.) District;

vi) That the "HH" (Restricted Community Shopping and Commercial, etc.) District regulations as contained in Section 14A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

a) That notwithstanding Section 14A(1), the following uses shall be prohibited.

1) a brewers warehouse within 61 m of the northerly lot line;
2) a liquor dispensary within 61 m of the northerly lot line;
3) a hotel;
4) a tavern;
5) a bowling alley;
6) a billiard room;
7) a shooting gallery
8) a penny arcade;
9) a public hall;
10) a music hall;
11) a theater;
12) other place of amusement;
13) a massage parlour;
14) a public bath;
15) an auctioneers premise;

16) an autobody repair or auto body paint shop;
17) a bill board;
18) a roof sign;
19) an automobile service station;
20) a car wash in conjunction within an automobile service station;
21) a public parking lot;
22) a fraternity or sorority house;
23) a labour union hall;
24) a district yard;
25) a college or university.

b) That notwithstanding Section 14A, the following outside storage requirements shall apply:

1) No front yard shall be used for outside storage.

2) Every side yard or rear yard that is used for outside storage of any material or any equipment shall be completely screened from external view by a visual barrier not less than 1.5 metres in height and not more than 3.0 metres in height.

3) No part of a side yard or rear yard used for outside storage shall be situated less than 4.5 metres from an abutting street line or from the boundary of an abutting residential district.

4) The total area used for storage outside of a building or structure shall not exceed 19% of the lot area.

c) That notwithstanding Section 14A(3)(a), a minimum front yard of 21 m shall be required, except for the existing building located on the site.

d) That notwithstanding Section 14A(3)(b), a minimum westerly side yard of 3 m shall be provided.

e) That notwithstanding Section 18A, a landscaped strip, berm and visual barriers as shown on Schedule "B" shall apply.

vii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-9C be notated S- ;

viii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9C;

ix) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area once Official Plan Amendment No. is approved.

x) That the Mewburn Neighbourhood Plan be amended by redesignating the westerly portion of Block "2" from "Residential" to "Commercial and Retail Warehouses".

xi) That the amending By-law not be forwarded to City Council for adoption until such time as the site plan is approved by the Planning and Development Committee.

EXPLANATORY NOTE

The purpose of this By-law is to provide for changes in zoning for the property located on the west side of Upper James Street, in the area south of Stone Church Road West, on the following basis:

Block 1 - From "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc.) District;

Block 2 - From "AA" (Agricultural) District to "HH" - 'H' (Restricted Community Shopping and Commercial), etc. District, modified;

Block 3 - From "C" (Urban Protected Residential, etc.) District to "HH" - 'H' (Restricted Community Shopping and Commercial) District, modified;

Block 4 - From "H" (Community Shopping and Commercial, etc.) District to "HH" - 'H' (Restricted Community Shopping and Commercial) District, modified,

as shown on the attached map marked as APPENDIX "A". The amending By-law applies to the holding provisions (as denoted by the 'H' suffix) of Section 35(1) of the Planning Act to the subject lands. This provision will prohibit the development of the lands until municipal sewers are installed. Once the sewers are available, City Council may remove the 'H' symbol by passing the amending By-law.

The effect of the By-law to permit the development of the subject lands for single family dwellings (Block "1") and a commercial plaza (Blocks "2", "3" and "4").

In addition, the By-law provides for the following variances:

- to delete several uses otherwise permitted in the "HH" District.
- to permit an outside storage area limited in size to a maximum of 19% of the total commercial lot area whereas no outdoor storage is permitted;
- to require a minimum front yard of 21 m (except for the existing building) instead of the required 12 m;
- to require a minimum westerly side yard of 3 m instead of the legally required 4.5 m;
- to require landscaped strips, visual barriers and a berm (as provided for on Schedule "B"). The proposed landscaped strips and visual barriers to be provided are in excess of the current by-law provisions which requires a minimum 1.5 m wide landscaped strip and a visual barrier between 1.2 m and 1.8 m in height between a parking area and a residential district. The

applicant will be providing landscaped strips ranging from 3.0 m to 9.1 m in width and visual barriers between 1.8 m and 3.0 m in height. There are no by- law requirements respecting the provision of berms.

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner

APPLICANT

Bayfield Green Development Company, prospective owner.

LOT SIZE AND AREA

Block "1"

- 0.93 ha (.31 ac.) of lot area.

Block "2"

- 194.42 m (637.87 ft.) of lot frontage.
- 85.0 m to 148.52 m (278.85 ft. to 487.3 ft.) of lot depth.
- 2.75 ha (6.79 ac.) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	Restaurant, vacant	"AA" (Agricultural) District "C" (Urban Protected Residential, etc.) District "H" (Community Shopping and Commercial, etc.) District
Surrounding Lands		
To the north	Church, Cemetary, Single-Family Dwellings	"AA" (Agricultural) District "C" (Urban Protected Residential, etc.) District

	Existing Land Use	Existing Zoning
To the south	Single family	"AA" (Agricultural) District
		"C" (Urban Protected Residential, etc.) District
To the east	Single family dwellings	"C" (Urban Protected Residential, etc.) District
To the west	Vacant	"AA" (Agricultural) District

OFFICIAL PLAN

Block "1" is designated "Residential" on Schedule "A".

Blocks "3" and "4" are designated "Commercial" and Block "2" is designated both "Residential" and "Commercial".

In addition, Blocks "3", "4" and part of Block "2" are located within Special Policy Area 31b (Policy A.2.9.3.26). Special Policy Area 31b encourages the location of retail/warehouse uses in this area.

Further, Policy A.2.9.26 states that the depth of the commercial area will be determined through the preparation of a Neighbourhood Plan. In this instance, the Newburn Neighbourhood Plan only designates the easterly portion of Block "2" for commercial uses.

Based on the above-noted policies, the westerly portion of Block "2" does not comply with the Official Plan.

The following two amendments are required to permit the proposal:

- to redesignate the westerly portion of Block "2" from "Residential" to "Commercial"; and,
- to extend Special Policy Area No. 31 in accordance with the "Commercial" designation.

NEIGHBOURHOOD PLAN

Block "1" is designated "Residential", Blocks "3", "4" are designated "Commercial and Retail Warehouses" and Block "2" is designated "Residential" and "Commercial and Retail Warehouses" in the approved Newburn Neighbourhood Plan.

A redesignation of the westerly portion of Block "2" from "Residential" to "Commercial and Retail Warehouses" is required to permit the proposal.

UPPER JAMES STREET CORRIDOR URBAN DESIGN GUIDELINES

The subject lands are designated "Retail/Warehouses" in the Urban Design Guidelines.

The Guidelines include:

- a minimum lot depth of 97.5 m (325 ft.);
- a minimum lot frontage of 30 m (100 ft.);
- a 3 m (10 ft.) landscaping strip along both the rear and front lot lines;
- rear and front service roads 21 m (70 ft.) in width which would permit two rows of parked cars and a through lane of traffic.
- a maximum building height of eight storeys.

Many of the features of the Urban Design Guidelines will be applied during the site plan approval process; however, other features must be included in the amending by-law to ensure they are implemented (see APPENDIX "B").

BACKGROUND

The applicant intends to develop Block "1" for single family dwellings. Blocks "2", "3" and "4" will include Cashway Lumber, White Rose Nurseries and additional retail/commercial uses. The existing restaurant (Kentucky Fried Chicken) will be retained.

COMMENTS RECEIVED

- The Building Department has indicated variances are required.
- The Traffic Department and Hamilton Region Conservation Authority have no objections.
- The Hamilton-Wentworth Engineering Department has advised in part that:

  " public watermains are available to service the subject lands."

  The designated road allowance width of Upper James Street is 36.58 m (120 ft.). In accordance with this designation, and as a condition of approval, we require that sufficient lands be deducated to the Region for road widening purposes. This will establish the property line 18.29 m (50 ft.) from the centreline of the original Upper James Street road allowance. We advise at this time that all setbacks, etc. be taken from the widened road allowance limits of Upper James Street.

  The site plan submitted appeared to conform to the intent of the neighbourhood plan. However, the roadway geometrics do not conform to our guidelines. We therefore recommend that development of the residential

portion be held in abeyance since access to West 5th is required through adjacent lands. At such time as a draft plan of subdivision is submitted, we will advise further on roadway alignments, etc." (See attached letter for full comments).

COMMENTS

1. The Hamilton-Wentworth Engineering Department has advised that the subject lands are not fully serviced at this time. It is expected that sewers will be installed during the latter part of 1989. In this regard, it is suggested that if the application is approved, it be subject to Section 35(1) of The Planning Act R.S.O. 1983, whereby Council may, in a by-law, use a holding symbol "H" in conjunction with any zoning district. The holding symbol specifies the use to which lands, buildings or structures may be put at such time in the future when the holding symbol is removed by amendment to the by-law.

2. The proposal does not comply with the Official Plan. The following amendments are required to bring the proposal into conformity with the Official Plan:

   o to redesignate the westerly portion of Block "2" from "Residential" to "Commercial".

   o to extend Special Policy Area #31.

3. The proposal does not comply with the approved Mewburn Neighbourhood Plan. The westerly portion of Block "2" should be redesignated from "Residential" to "Commercial and Retail Warehouses".

4. The proposal warrants consideration for the following reasons:

   a) the commercial component of the development is located on a major arterial road and the residential portion is located within the interior of the neighbourhood;

   b) it would be compatible with the existing and proposed development in the area.

5. Approval of the application would require the following variances and new regulations for the commercial component:

   o Section 14A - Area Requirements

      a) Under the existing "HH" District regulations, a front yard of 12 m is required. In order to implement the Urban Design Guidelines feature (a front traffic lane with associated parking), the front yard is required to be 21 m instead of 12 m. On this basis, the modification to the By-law is necessary.

      b) Under the "HH" District regulations, any development that abuts a residential district must maintain a side yard equal to that in the

abutting residential district. In this case, the development is required to have a side yard of 4.5 m, the same as the "AA" District. A portion of the proposed White Rose building is within 3 m of the Residential District. Thus, a variance is required. It is minor in nature and therefore, may be supported. In addition, a 3 m landscaped strip is being provided between the building and the westerly lot line.

c) The applicant and the surrounding residents have agreed to delete some of the uses in the "HH" District that they feel are not appropriate land uses in the area. In total, 22 uses will be prohibited and 2 uses will have restrictions.

o Outside storage

Under the "HH" District regulations, no outside storage is permitted. Due to the nature of the proposed commercial use, Cashway Lumber requires an outside storage area for lumber and other goods. Approximately 19% of the lot will be used for this purpose. The storage area will be adequately buffered with a 9.1 m landscaped strip (including a 1.5 m high term) and a 3.0 m high visual barrier from the residential area. On this basis, the variance can be supported.

Landscape requirements

As shown on Schedule "B", there is extensive landscaping surrounding the site. The most westerly lot line provides for a 9 m. (30 ft.) wide landscaped strip including a 1.5 m (5 ft.) high berm and a minimum of 3.0 m (10 ft.) visual barrier to be located between the berm and the outside storage area.

In addition, landscaped strips ranging from 7.6 m to 3.0 m are provided along all property lines (commercial) as well as a visual barrier between 1.2 m and 2.0 m in height.

A pedestrian walkway is located along the northerly lot line connecting Upper James Street to the proposed cul-de-sac to the west.

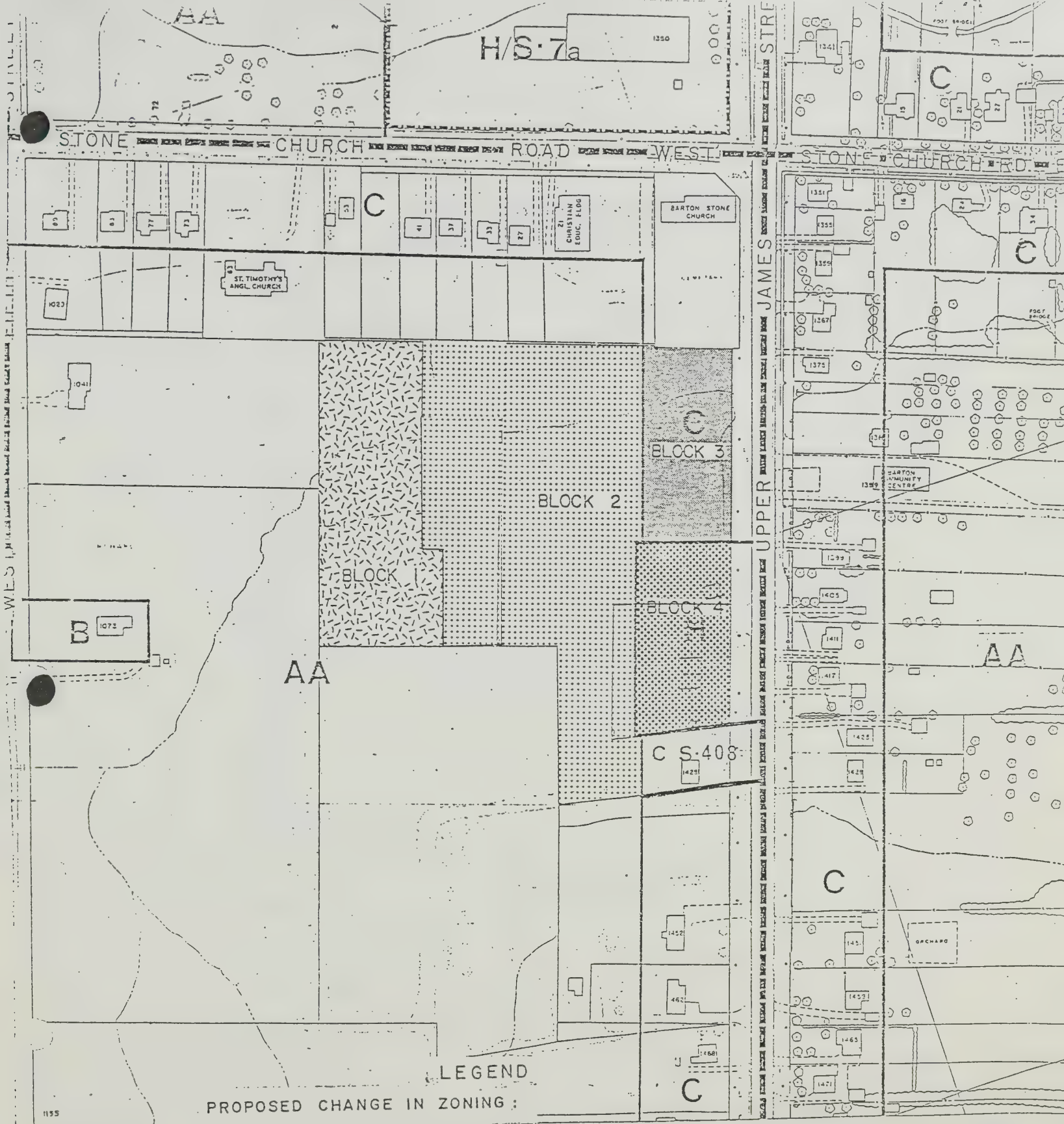
The landscape requirement should be built into the amending by-law to ensure that adequate buffering between the residential and commercial uses are achieved. As such, Schedule "B" identifies all proposed landscaping requirements.

6. Under the "HH" District regulations, the lands are subject to Site Plan Control By-law 79-275. Matters such as paving, access, grading and the Urban Design Guidelines, etc. will be reviewed during the site plan approval process.

CONCLUSION

Based on the foregoing, the proposal can be supported.

JN:cab.
W.P. DOC. 0060P



PROPOSED CHANGE IN ZONING :

Block 1 — FROM "AA" (AGRICULTURAL) DISTRICT TO "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT.

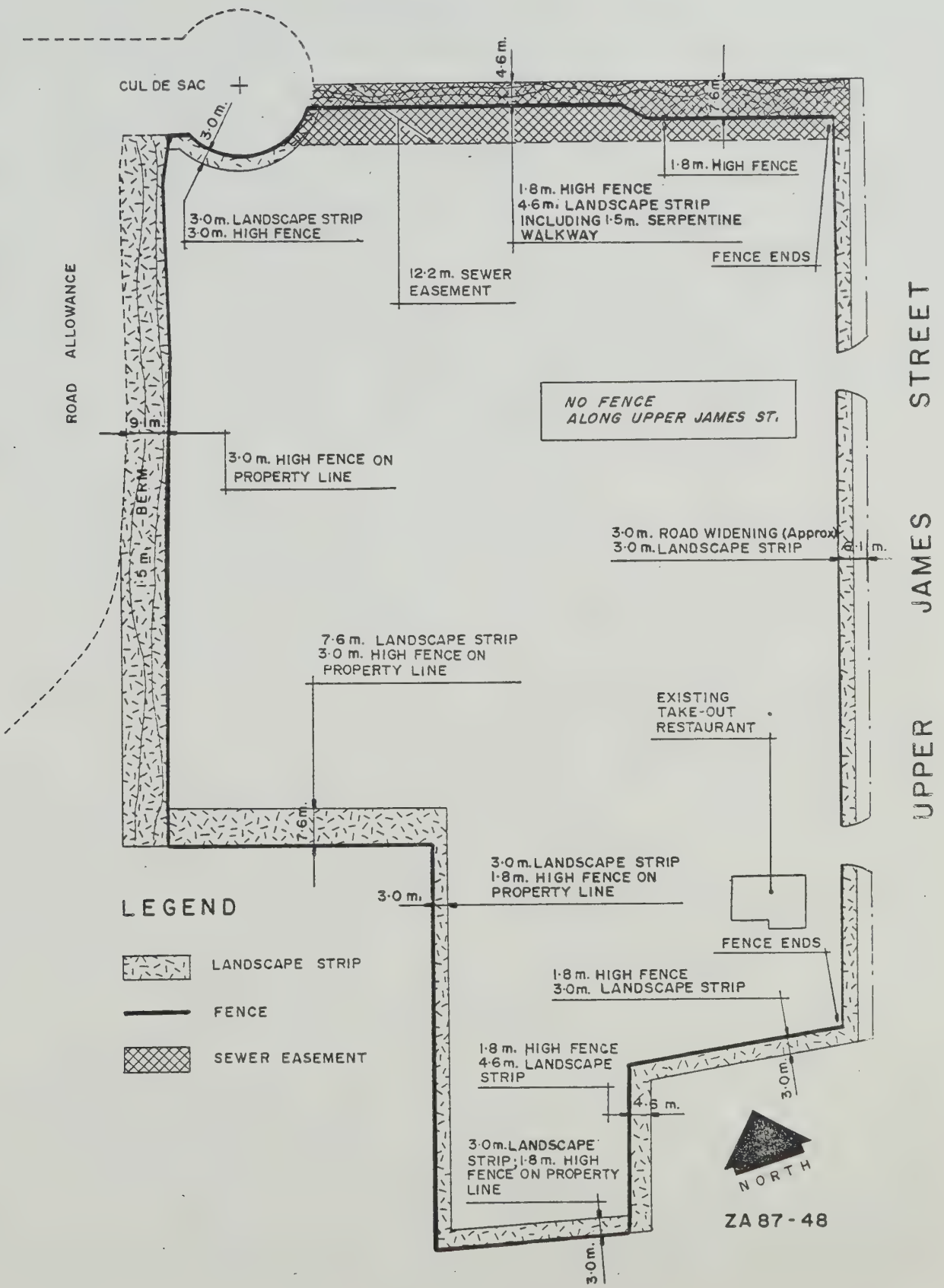
Block 2 — FROM "AA" (AGRICULTURAL) DISTRICT TO "HH" (RESTRICTED COMMUNITY SHOPPING AND COMMERCIAL) DISTRICT, MODIFIED.

Block 3 — FROM "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT TO "HH" (RESTRICTED COMMUNITY SHOPPING AND COMMERCIAL) DISTRICT, MODIFIED.

Block 4 — FROM "H" (COMMUNITY SHOPPING AND COMMERCIAL, ETC.) TO "HH" (RESTRICTED COMMUNITY SHOPPING AND COMMERCIAL) DISTRICT, MODIFIED.

ZA 87-48

SCHEDULE A !


CUL DE SAC
3.0m.
4.6m.
7.6m.
1.8m. HIGH FENCE
1.8m. HIGH FENCE
4.6m. LANDSCAPE STRIP
INCLUDING 1.5m. SERPENTINE
WALKWAY
FENCE ENDS
3.0m. LANDSCAPE STRIP
3.0m. HIGH FENCE
12.2m. SEWER
EASEMENT
ROAD ALLOWANCE
NO FENCE
ALONG UPPER JAMES ST.
9.1m.
3.0m. HIGH FENCE ON
PROPERTY LINE
1.5m. BERM
3.0m. ROAD WIDENING (Approx)
3.0m. LANDSCAPE STRIP
6.1m.
UPPER JAMES STREET
7.6m. LANDSCAPE STRIP
3.0m. HIGH FENCE ON
PROPERTY LINE
EXISTING
TAKE-OUT
RESTAURANT
7.6m.
3.0m. LANDSCAPE STRIP
1.8m. HIGH FENCE ON
PROPERTY LINE
3.0m.
LEGEND
LANDSCAPE STRIP
FENCE
SEWER EASEMENT
FENCE ENDS
1.8m. HIGH FENCE
3.0m. LANDSCAPE STRIP
1.8m. HIGH FENCE
4.6m. LANDSCAPE
STRIP
3.0m.
4.6m.
3.0m. LANDSCAPE
STRIP; 1.8m. HIGH
FENCE ON PROPERTY
LINE
3.0m.
NORTH
ZA 87-48

SCHEDULE B

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering
71 Main Street West, Hamilton, Ont. L8N 3T4 (416) 526-4170

PLANNING & DEVELOPMENT
LOCAL PLANNING BRANCH
DEC 10 1987
TO | STAFF | INIT | D | ACT
DIR.
DEV 12
E. & U.D.
STAFF
CART.
Refer to File No. E220-1303
Attention of K. A. Brenner
Your File No. ZA-87-48
14 11

I.D. #0134D(39)

December 10, 1987

TO: V. J. Abraham, Planning Department

FROM: K. A. Brenner, Engineering Department

RE: Amended Zoning Application ZA-87-48 for Changes in Zoning from "AA", "C", and "HH" Modified for Lands on the West Side of Upper James Street, South of Stone Church Road West.

Please be advised that public watermains as well as ~~separate storm and sanitary sewers~~ are available to service the subject lands.

The designated road allowance width of Upper James Street is 36.58m (120 ft). In accordance with this designation, and as a condition of approval, we require that sufficient lands be dedicated to the Region for road widening purposes. This will establish the property line 18.29m (50 ft) from the centreline of the original Upper James Street road allowance. Although these comments were noted in our previous letter (June 1987) it does not appear that the site plans submitted take this into consideration. We advise at this time that all setbacks, etc. be taken from the widened road allowance limits of Upper James Street.

Any work within the Upper James Street road allowance as widened, must conform to the Region's Roads Use By-Law.

The grades of the accesses should not exceed 3%, taken from the ultimate curb line on Upper James Street. According to our information, the future curb line will be ±5.0m from the ultimate road allowance limit. The applicant should be advised that any roadway improvements required on Upper James Street, as a result of this development, will be at the expense of the applicant/owner.

The site plan submitted appeared to conform to the intent of the neighbourhood plan. However, the roadway geometrics does not conform to our guidelines. We therefore recommend that development of the residential portion be held in abeyance since access to West 5th is required through adjacent lands. At such time as a draft plan of subdivision is submitted, we will advise further on roadway alignments, etc.

TLH:mm
Attach.
c.c. M. A. Chidley, Regional Surveyor

Dr & Mrs Robert C. Dickson

1428 Upper James Street,
Hamilton, Ontario,
L9B 1K3

19a

January 12,1988

Secretary, Planning and Development Committee,
City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

Re: Public Meeting January 27,1988 at 3:45 p.m. to consider the application for zoning changes in lands under your Departmental File # ZA-87-48

Dear Sir:

As owner and occupant of the property at 1428 Upper James Street, we wish to object to and oppose the proposed rezoning. The application for rezoning of lands which are adjacent to the north and west of our property to "HH" appears to differ from that earlier requested, and would allow development in the area of many businesses which we feel would not be appropriate. Although the developer has indicated an intention to locate garden and home improvement centres in the area, there would seem to be no legal guarantee that such development would be undertaken and nothing to prevent development of alternate less desireable businesses once HH zoning is confirmed. Modifications to development plans for the land, which have been proposed to adjacent and concerned landowners at community meetings with the developers, have not been finalized as indicated before this reapplication has been submitted.

We purchased our present property because of its many important characteristics. It was purchased for use as a doctor's office because of close public transportation, quiet attractive pastoral surroundings and easy access for safe low volume traffic. The only occupied land - to the north, has been used chiefly in hours which have not coincided with doctor's office hours. If the adjacent lands are rezoned to allow for virtually any commercial operation, the aesthetic appearance of the area will be destroyed. Our property will be "locked in" by a development which will effectively negate the reasons for which the land was purchased.

Our view and the rural quiet west of our property would be destroyed. If rezoning to HH is passed, we would request that the developer ensure our aesthetic and privacy by leaving a significant landscaping strip and/or berm as well as a fence on the developer's side of the landscaping strip.

We live in the community in which our property is located. We hope that consideration will be given to the preservation of the historically rural neighborhood setting of not only our land as under consideration, but all lands in the area. Our community seems to be in danger of being considered merely a good source of tax revenue to be extracted from outside developers who have interest only in the commercial aspects of an area which was among the first settled in Hamilton.

Sincerely,

Robert C. Dickson Ph.D.,M.D.,C.C.F.P.
Mary Lou Dickson B.A.

FOR ACTION

20.

FROM: Planning and Development Department DATE: January 19, 1988

TO: Planning and Development Committee File No.: P5-2-105

Attention Of: V. J. Abraham

SUBJECT

Draft Official Plan Amendment No. 12
Draft Zoning By-law 84-46
Normanhurst Neighbourhood

RECOMMENDATION

That Sections 1, 4 and 5 and Schedule A and A5 be deleted from By-law 84-46.

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

EXPLANATORY NOTE

City Council passed a By-law changing the zoning of Union Gas, Coca Cola, H.H. Robertson and Parkdale Auto Wreckers from "K" (Heavy Industry, etc.) to "J" (Light and Limited Heavy Industry) as well as other zoning changes as a result of a neighbourhood plan study for the Normanhurst Neighbourhood. The City asked the O.M.B. to delay the hearing on the By-law until a conclusion was reached on similar zoning proposed for the Keith Neighbourhood.

Since the O.M.B. denied the Keith zoning and industries object to the rezoning, the department is recommending that Council delete rezoning of the industrial lands. The effect of the recommendation is to maintain the "K" (Heavy Industrial) zoning. The Business Land Use Advisory Board support the recommendation.

The Planning Department, as requested by Planning and Development Committee on November 25, 1987, has communicated with the owners of the lands affected and carried out further analysis.

BACKGROUND

From a planning point of view the proposal contained in Appendix 1 should be applied to the subject lands Map 1. This essentially removes 41 uses from the "K" (Heavy Industrial) zoning while allowing existing industries to continue as legal conforming uses. An Official Plan Amendment would guide any changes to the zoning.

However, the Ontario Municipal Board turned down a similar proposal in the Keith Zoning Buffer. The Board did indicate that some uses should be deleted. (Appendix 2)

On November 25, 1987, the Planning Department recommended that the currently proposed zoning "J" (General Industry) be repealed and allow the subject lands to revert to the former "K" zoning. The principle reasons were that a costly O.M.B. hearing would result and this would cause negative feelings in the industrial community.

The Planning and Development Committee requested that the Department meet with representatives of affected industries to try to reach agreement about deleting a number of industrial uses.

Letters were received from representatives of Union Gas, Coca-Cola and H.H. Robertson and no meetings were held (Appendices 3, 4 and 5). A meeting was held with Parkdale Auto (Appendix 6).

The Department has been unable to negotiate the removal of any uses from the "K" zoning.

However, from the letters and meeting it seems clear that there will be an Ontario Municipal Board Hearing on the related issue of a change in Official Plan designation contained in proposed Official Plan Amendment 12 - i.e. the change from industrial to residential for the housing north of Parkdale and Barton (see Map 1).

As part of the excercise to reduce the number of uses, staff have divided incompatible industry into four categories of impact - problematic, very problematic, exceptionally problematic and most problematic (Appendix 7).

In addition, the matter of accessory use has been clarified (Appendix 8). The Building Department's letter means that uses which would otherwise be prohibited are allowed as accessory uses. Therefore, there need be no concern from industry about accessory uses.

CONCLUSION

The owners of the four industrial plants are maintaining their position that there should be no change to the "K" (Heavy Industrial) zoning.

The objections of the industry include reduced opportunity for diversification of use, reduced opportunity to extend on to adjoining property and reduced value of the land.

Removing fewer uses than the 41 originally proposed will reduce the impacts and objections. However, the extra cost of dealing with the industrial rezoning at the O.M.B. and the negative affects on Hamilton's reputation as a place to do business outweigh the benefits of a protection against incompatible uses which may never establish.

:dkp

WP 0021P

January 20, 1988

NORMANHURST REZONING

PROPOSAL BASED ON THE KEITH ZONING BUFFER

Essence of the Proposal

Forty-one uses will be removed from the "K" District as follows:

1. Acid Manufacture and Storage
2. Ammonia Manufacture and Storage
3. Asbestos Products
4. Asphalt and Asphalt Products Manufacture
5. Carbon Manufacture
6. Cement Manufacture
7. Chemical and Allied Products Manufacture
8. Chlorine and Chlorine Bleaches Manufacture
9. Coke Oven
10. Non-Ferrous Metals Manufacture and Corrosion
11. Distillation Plant
12. Fertilizer Manufacture
13. Firework Manufacture
14. Feed Mill
15. Fish Packing Plant
16. Flour Mill
17. Fuel Storage Tank
18. Garbage Dump
19. Gas Plant
20. Glue Manufacture
21. Incinerator
22. Insecticide Manufacture
23. Lampblack Manufacture
24. Metal Products Manufacture Where Cutting, Shearing, Hammering, Rolling, Stamping, or Grinding Operations Take Place
25. Nitrating Plant
26. Paints and Varnish Manufacture
27. Paper Mill
28. Petroleum and Petroleum Products Manufacture
29. Potash Manufacture
30. Primary Metals Plant

31. Propane Gas Manufacture or Storage
32. Pyroxylin Manufacture or Storage
33. Rayon Manufacture
34. Rock Crushing Plant
35. Sawmill
36. Salvage Yard Where Shredding and Crushing Operations Take Place
37. Slaughter House and Stock Yard
38. Soaps and Detergents Manufacture
39. Tallow Rendering Plant
40. Tannery
41 Tar and Tar Products Manufacture

- The area affected will cover lands currently owned by Union Gas, Coca-Cola, H.H. Robertson and Parkdale Auto.

- Existing industries will be permitted under the Zoning By-Law and will be allowed to expand on site. No legal non-conforming uses will be created;

- The Official Plan will identify a special policy area for the Zoning By-law;

- The Official Plan will specifically identify each of the uses prohibited in the by-law; and,

- The Official Plan will have policies outlining conditions under which exceptions can be made to prohibited uses. Consideration will be given to exceptions where the use can be shown to be relatively compatible with the Keith Neighbourhood through:

  i) site layout
  ii) physical design of buildings;
  iii) sub-classes of use within each of the 41 uses;
  iv) particular kinds of process; and,
  v) any combination of the above.

Exceptions will be through Zoning By-law Amendment, which will include provisions for ensuring compatibility.

EXCERPT FROM KEITH ZONING BUFFER O.M.B. DECISION

'In saying this, it is perfectly clear to the Board from the evidence that there are certain industrial operations which should not take place within the proposed buffer, or for that matter, for a substantial distance beyond such a buffer. Amongst such uses would be a Coke Oven, a Garbage Dump, a Paper Mill, and other large industrial uses listed in the proposed by-law, and the Board has no doubt that the landowners would accept the prohibition by by-law of a few such obvious categories of use. Frankly, no one in his right mind would contemplate such uses on the lands in question.'

A3

P.O. Box 10,
Hamilton, Ontario.
L8N 3A5
1987-12-22

DG DU

City of Hamilton,
Planning & Development Department,
71 Main Street West,
HAMILTON, Ontario.
L8N 3T4

ATTENTION: Mr. V. J. Abraham, M.C.I.P.
Director of Local Planning.

Dear Sir:

RE: NORMANHURST RE-ZONING

Please be advised that Union Gas Limited is in full agreement with The Business Land Use Advisory Board's recommendation to the City Planning and Development Committee for the re-introduction of the original zoning by re-zoning the industrial lands in the Normanhurst Neighbourhood from "J" to "K" (Heavy Industry). In addition, we support the recommendation to rescind By-Law 84-46 which was adopted by Council on January 10th, 1984.

In terms of my late response, please note that my office was in receipt of your letter dated December 1st, on December 10th, 1987, thus providing me with no opportunity to respond back to you in writing by December 11, 1987 as you requested. Furthermore, I misinterpreted your request and called Mr. Godley to arrange a meeting with the Planning and Development Department.

I believe our position is clear on this matter from reasons discussed at previous meetings and do not feel that a meeting is necessary.

Yours very truly,

UNION GAS LIMITED

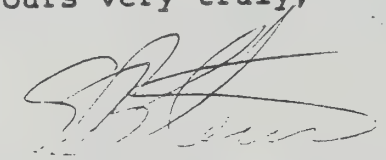
M. Ydreos, P. Eng.,
Manager,
Operations Administration.

MY/slm

OSLER,
HOSKIN &
HARCOURT

use. A change in the Official Plan designation would only place increased pressure on the long term viability of the nearby industrial properties.

Yours very truly,



Stanley B. Stein

SBS/bs

A4

OSLER, HOSKIN & HARCOURT

BARRISTERS AND SOLICITORS • PATENT AND TRADEMARK AGENTS

Direct Dial: 862-6439
New FAX No.: 862-6666

December 11, 1987

DEC 18 1987

V.J. Abraham, M.C.I.P.
Director of Local Planning
The Regional Municipality
of Hamilton-Wentworth
81 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mr. Abraham:

Re: Normanhurst Rezoning
Your Reference P5-2-105

This will acknowledge receipt of your letter of December 1, 1987 which arrived in my office on December 9th. It was addressed to me at Weir & Foulds and I ask that you note my change of address to this firm.

I have discussed your letter with representatives of T.C.C. Bottling Ltd. (the bottling division of Coca-Cola Ltd.). Our position remains the same as indicated to the Planning and Development Committee at its meeting held on November 25th. The City has already been told by the Ontario Municipal Board that the downzoning of the Keith Neighbourhood was not warranted and we see no reason to embark on an exercise that will lead to limitations on the use of our client's lands. Any downzoning will have adverse effects on a stable industrial area which is well established in a location with a sound industrial infrastructure. The Commissioner of Planning and Development in a report dated October 7, 1987 recommended the recision of By-law 84-46, and we support that recommendation.

Respecting your specific enquiry on the proposed Official Plan changes (from industrial to residential) of the lands north of Barton Street and west of Parkdale Avenue, we see no need for this amendment. The area has historically been designated for industrial uses and is in close proximity to an existing industrial area. It is well serviced and may at some future time be needed for industrial

P.O. Box 50
First Canadian Place
Toronto, Ontario
Canada M5X 1B8
Telephone (416) 362-2111
Telex 06-22457 Carthos
Telecopier (416) 862-8017

OTTAWA, CANADA
Telephone (613) 235-7234
Telex 053-3323 Hetol
LONDON, ENGLAND
Telephone 01-283 3287
Telex 928650 OHHL

A5

Evans, Husband
Barristers and Solicitors

RAMSEY A. EVANS, Q.C. (1947-1979)
J. ROSS HUSBAND, Q.C.
EARL R. CRANFIELD, Q.C.
FRED J. LEE, C.D., B.A., LL.B.
RALPH W. HAYMAN, B.A., LL.B.
JAMES D. HIGGINSON, B.A., LL.B.
JOHN A. EVANS, B.A.(HONS.), LL.B.

P.O. BOX 130, STATION A
SUITE 901
UNION GAS BUILDING
20 HUGHSON STREET SOUTH
Hamilton, Ontario
CANADA

TELEPHONE
(416) 528-0084

MAILING ADDRESS
P.O. BOX 130, STATION A
HAMILTON, ONTARIO
L8N 4B5

December 17th, 1987

AG DL
DG M.

The Regional Municipality of Hamilton-Wentworth,
Planning and Development Department,
71 Main St. W.,
Hamilton, Ontario,
L8N 3T4

Attention: Mr. V. J. Abraham, M.C.I.P.
Director of Local Planning

Dear Sir:

Re: H. H. Robertson Inc.
Proposed Offical Plan Amendement 12 and
Proposed Zoning By-law 84-46
Your Reference - P5-2-105

Your letters of December 1st and December 9th, 1987 are hereby acknowledged.

As you will recall, this matter came before the Planning and Development Committee on several recent occasions including October 14th, 1987 at 4:00 P.M., November 11th, 1987 at 8:15 P.M. and November 25th, 1987 at 4:00 P.M. On each of these occasions, the matter before the committee was the recommendation of Mr. V. J. Abraham, M.C.I.P., Director of Local Planning and Mr. J. D. Thoms, M.C.I.P., Commissioner of Planning and Development Department. That recommendation was to maintain 'K' zoning on the industrial property shown on Schedule "A" and Section 1, 4 and 5 of By-law 84-46 and that those sections be rescinded.

Our client definitely supports that recommendation. Representatives of our client have met with the politicians of the ward, the planners, the Economic Development Committee, the Business Land Use Advisory Board, and the Planning and Development Committee and were pleased that the long process of maintaining their zoning of "heavy industrial" was coming to a conclusion.

.....2

At the first of the above mentioned meetings, there was not time to deal with the matter and the Chairman of the Board asked that we re-attend with all representatives of industry and their Solicitors on the 11th of November, 1987 at 8:15 P.M. At that time, there was a public meeting attended by 8 members of the public and a number greater than that representing industry. I understand that there was not a quorum at that time of the Planning and Development Committee although the issues were thoroughly canvassed. No new input came out of that meeting in opposition to the Planning and Development Department recommendation. As you well know, eliminating fewer uses from our client's property zoning has been discussed on previous occasions. The suggestion of the Planning and Development Committee to consider this once again, would not in our opinion be productive.

The meeting of November 11th, 1987 did not conclude the matter and the matter was adjourned to the meeting of November 25th, 1987 where there was a quorum of the Planning and Development Committee present. The Committee at that time asked staff to seek a meeting within 60 days with industry representatives within the Normanhurst neighbourhood to attempt to reach agreement on a list of noxious and unacceptable uses.

H. H. Robertson Inc. cannot support this process any longer. We would ask that the Planning and Development Committee adopt the recommendation of the Planning and Development Department or failing that, that the matter go directly to the Ontario Municipal Board for a reasoned decision.

The uncertainty prevailing with respect to the zoning of our client's property, cannot continue. While it does continue, development of their property is not going to proceed. H. H. Robertson Inc. has been an employer in this community for more than 100 years and has been located on Parkdale Avenue for approximately 42 years. This uncertainty of zoning that is being once again created by the City of Hamilton, is seriously affecting their future planning and may cause them to consider locations outside of Hamilton for future expansion or modernization. I expect that other industries may also make the same decision with respect to this community if the City of Hamilton persists in this disruption of the industrial community.

I am advised by H. H. Robertson Inc. that the company's employees are concerned about losing their jobs because of the actions of the Planning and Development Committee and the City of Hamilton.

The Business Land Use Advisory Committee was created at least in part as a response to this serious issue. The committee has thoroughly considered this issue from the various perspectives available to that committee and has made a recommendation. It is now up to the City to proceed to maintain the heavy industrial zoning on the industrial properties affected without further delay.

Yours very truly,

EVANS, HUSBAND

Earl R. Cranfield
ERC/pw

cc - Mr. Lou Sage,
Chief Administrative Officer,
City of Hamilton

- Mr. Ed. Simpson,
City Clerk,
City of Hamilton

- Alderman John Smith,

- Mayor Robert Morrow

- Mr. Drew Adams,
H. H. Robertson Inc.

- Miss Kathy Drewitt
The Hamilton & District Chamber of Commerce

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Planning and Development Department
71 Main Street West, Hamilton, Ontario L8N 3T4

A6

Refer to File No. P5-2-105
Attention of
Your File No.

January 12, 1988

TO: File

FROM: David Godley

Re: Normanhurst Rezonings

1. I met with John Pederson at 2:00 p.m. in the Planning Department. Alderman Copps attended briefly.

2. A discussion was held about accessory uses and the situation explained.

3. It was established that Parkdale Auto Wrecking did not use the water right of way for parking.

4. Mr. Pederson said he was still opposed to changing the "K" zoning on his site and objected to the change in the Official Plan from residential to industrial for the housing to the north of Barton and west of Parkdale. He was not sure about the application of site plan control on his property.

DG/dkp

WP 0056P

ANALYSIS OF INCOMPATIBLE INDUSTRY

The following 41 uses were identified in the zoning by-law as being the most incompatible with neighbourhoods during the preparation of the Keith Zoning Buffer proposal.

Set Back Recommended by the Ministry of the Environment in metres

Danger H = Health (see Appendix 9) X = Explosion

MOST PROBLEMATIC (14)

	Set Back	Danger
Ammonia Manufacture and Storage (lethal gas leaks may accompany explosion)	300	H
Asbestos Products Manufacture (proven health risk)	300	H
Chlorine and Chlorine Bleaches Manufacture (lethal gas leaks may accompany explosion)	300	H
Coke Oven (proven health risk, mentioned as undesirable in Keith zoning buffer O.M.B. decision)	1,000	H
Fireworks Manufacture		X
Garbage Dump (assumed health risk, mentioned as undesirable in Keith zongin buffer O.M.B. decision)		H
Gas Plant	300	X
Lampblack Manufacture	1,000	X
Nitrating Plant	300	X
Paper Mill (mentioned as undesirable in Keith zoning buffer O.M.B. decision)	1,000	
Petroleum and Petroleum Products Manufacturing (assumed health risk)	1,000	XH
Potash Manufacture (very unlikely to establish)	1,000	X
Propane Gas Manufacture and Storage		X
Pyroxylin Manufacture and Storage (no longer manufactured)		X

EXCEPTIONALLY PROBLEMATIC (8)

	Set Back	Danger
Carbon Manufacture	1,000	
Non Ferrous Metals Manufacture	1,000	
Distillation Plant	1,000	
Fuel Storage Tank		X
Primary Metals Plant	1,000	
Rock Crushing Plant	1,000	
Tallow Rendering Plant	1,000	
Tar and Tar Products Manufacture	1,000	

APPENDIX 7 Cont'd

VERY PROBLEMATIC (11)

	Set Back	Danger
Acid Manufacture and Storage	300	
Asphalt and Asphatl Products Manufacture	300	
Cement Manufacture	300	
Chemical and Allied Products Manufacture	300	
Fertilizer Manufacture	300	
Incinerator	300	
Paints and Varnish Manufacture	300	
Rayon Manufacture	300	
Sawmill	300	
Slaughter House and Stockyard	300	
Soaps and Detergents Manufacture	300	

PROBLEMATIC (8)

	Set Back	Danger
Feed Mill	90	
Fish Packing Plant	90	
Flour Mill	90	
Glue Manufacture	90	
Insecticide Manufacture	90	
Metal Products Manufacture where Cutting, Shearing, Hammering, Rolling, Stamping or Grinding Operations Take Place	90	
Salvage Yard where Shredding and Crushing Operations Take Place	90	
Tannery	90	

OFFICE OF THE BUILDING COMMISSIONER

A8

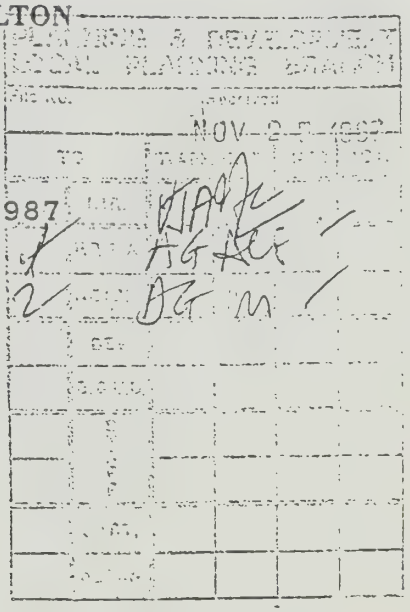
REFER TO FILE 87.1.1.

ATTENTION OF Len C. King

THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO



November 19, 1987

Mr. Victor Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

Dear Mr. Abraham:

Re: Accessory Uses

In reply to your letter dated November 13, 1987, please be advised as follows.

If a property is rezoned or the existing zone modified to remove some principle use such as propane gas storage, the Zoning By-Law would still permit propane gas storage, likely on a much smaller scale, provided it was an accessory use as defined.

The definition of accessory is as follows "shall mean normally and customarily incidental, subordinate and exclusively devoted to a principle use, building or structure, and located on the same lot therewith;".

The only circumstance which would prohibit the above would be where the Zoning By-Law specifically mentions that the principle use is permitted without the storage of "propane". The by-law could also specifically mention that the storage of propane is not permitted as an accessory use.

Trusting this will be of assistance to you.

Yours very truly,

Len C. King, P. Eng.
Deputy Building Commissioner

LCK/zr

25-2-67K

PLANNING & DEVELOPMI
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S. SEC.
DRAFT

A9

OCCUPATIONAL HEALTH PROGRAM
McMASTER UNIVERSITY
1200 Main Street West, Hamilton, Ontario, L8N 3Z5
Telephone: Area Code 416 525-9140, Ext. 2333, 2334

July 7, 1983

Mr. David Godley
Senior Planner
Planning and Development
The Regional Municipality of
Hamilton-Wentworth
City Hall
Hamilton, Ontario
L8N 3T4

Dear Mr. Godley:

You have asked me to comment on the relationship between environmental pollution of various types and the health of populations living in the neighbourhood. As you may imagine, this is not an easy issue to resolve. The problem is that it depends very much on the manner and responsibility with which industrial processes are managed. In theory, if an industry is prepared to maintain strict emission standards then neighbourhood health problems are unlikely to be a problem. For this reason, a common sense approach might be to specify maximum pollution levels and to give complete assurance to neighbourhood families that these levels will be strictly and literally enforced. However, it is a matter of common knowledge and experience that it is extremely difficult to enforce rigid controls and that few cities have the resources which can guarantee acceptable conditions on a continuous basis.

For this reason, I would suggest that it is unreasonable to locate an industry close to an established area of housing if, by doing so, there is a potential health threat in the neighbourhood or where that health problem could only be prevented by expensive monitoring systems. To locate potentially dangerous industries near to established homes, solely on the hope that emissions will be controlled will be to set the scene for long-term friction within the community between home residents, municipal authorities and industry.

With these initial comments, it is possible to identify certain processes which are known to be associated with a neighbourhood health risk and which therefore should automatically be removed from your permitted industries. In this category might be included asbestos

manufacturer, processes using metals such as lead, beryllium and cadmium, industries releasing organic carcinogens (coke ovens). It would also be unwise to have industries which release lethal quantities of gas following explosions, ie, ammonia and chlorene manufacturing.

A number of processes might reasonably be assumed to distribute toxic chemicals in the surrounding atmosphere although I am not aware that there has been published evidence which demonstrated a neighbourhood problem. Such examples would include a garbage dump, a public incinerator, insecticide manufacturer, many chemical and allied products manufacturer, petroleum products manufacturer.

Certain industries present an obvious explosion or fire hazards. These would include acetylene, celluloid, fireworks, fuel storage tanks, nitrating plants, petroleum manufacturer, pyroxylin manufacturer.

Certain industries are exceedingly undesirable near to dwelling houses because of the associated unpleasant smell. While it maybe difficult to prove that these present a measureable health problem in the traditional sense, there can be little doubt that they alter the quality of life in a neighbourhood to a point where the region would be exceedingly unwise to permit such industry to locate close to established housing. This would surely include asphalt manufacturer, distillation plants, fertilizer manufacturer, fish packing plants, gas plants, paper mills, tanneries, tar manufacturer and tar products manufacturer. In the same category, I would place two types of industry where the neighbourhood effect is very real but where I am not aware of serious epidemiological evidence demonstrating health effects. Firstly, there are those industries which release large concentrations of dust on the neighbourhood particularly cement and cement products manufacturing. Finally, there is the question of noise pollution and this can be an obvious problem with primary metals, plants or rock crushing plants. There are many other similar examples.

On esthetic grounds, I believe it would be unreasonable to permit a slaughter house to be located close to dwelling houses.

I regret that this list is complicated and also that it is long. I suspect that it maybe very difficult to provide quidelines for legislation which will be adequate to provide protection for individuals living in a neighbourhood without being unreasonably restrictive on the real need of industry and of course the contribution that such industries make to employment in a city. It might make a lot of sense to look at each perspective industry at the time when an application to locate in the area is made and to judge each on its merits. An outside expert could provide information on the likely health consequences of individual plants. Some mechanism for preventing undue

political pressure by industry or by neighbourhood residents could possible be developed. I am of course aware of the complexities of such an approach and of the apparent advantages of neatly packaging industries into those which will be permitted and those which will not. The administrative tidiness of such a system however does not take account of the real complexities of human health and of its relationship to environmental pollution. I hope that the above comments are of some assistance to you and will be pleased to answer any questions that you may have. I have not provided documented epidemiological evidence at this stage but could possibly do this for you if you felt it necessary. In some areas such as asbestos and lead, such information is readily available but such clear cut examples are uncommon.

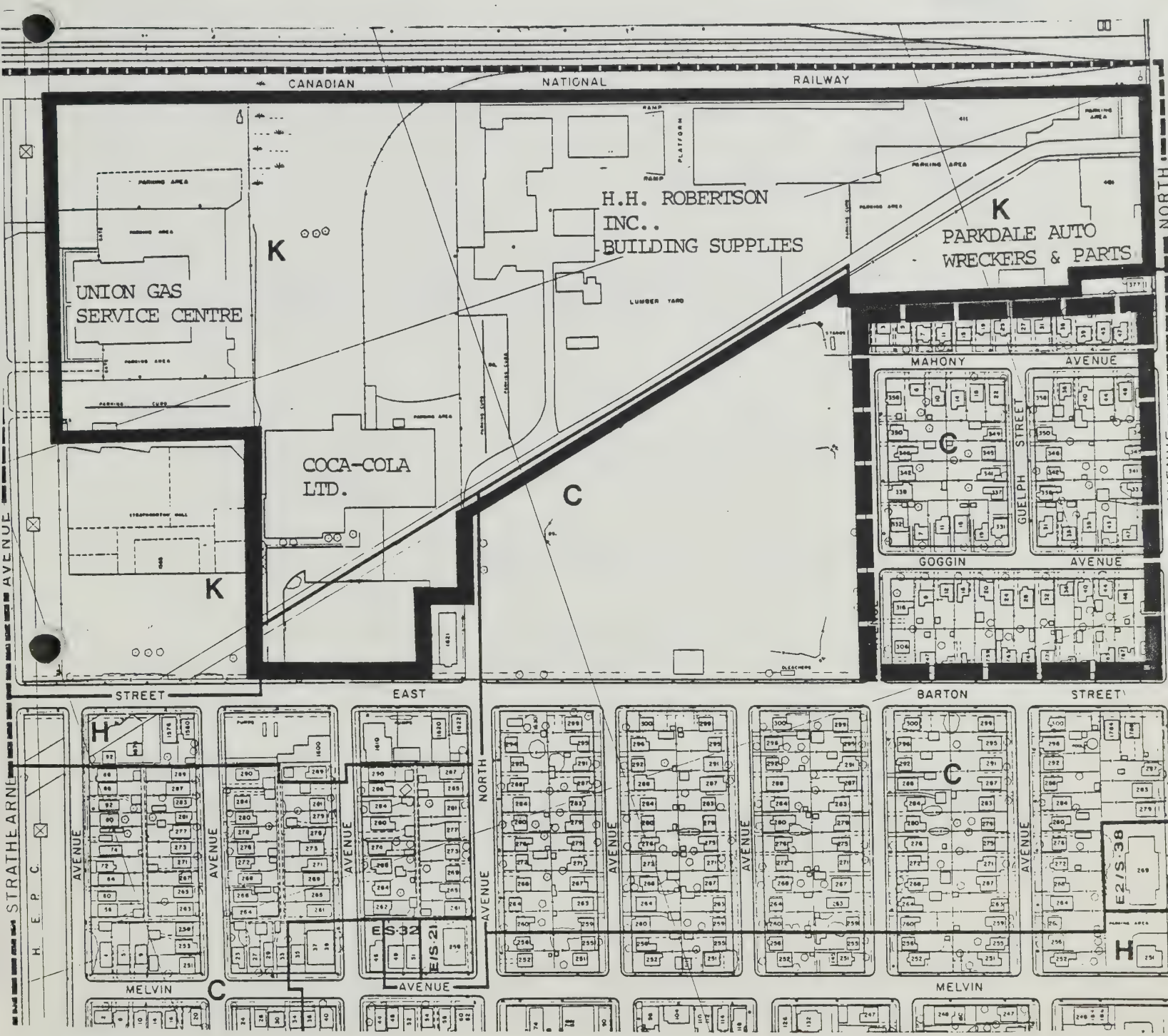
Yours sincerely,

David C.F. Muir, M.D.
Director

DCFM:py

c.c. Dr. L.M. Browne

NORMANHURST INDUSTRIAL REZONING



Subject Land For Proposed Zoning Change From 'H' or 'K' To "J"

Proposed Change in Official Plan Designation From Industrial to Residential

MAP 1

21.

FOR ACTION

FROM Planning and Development Department DATE January 19, 1988

TO Planning and Development Committee Refer to File No. P5-2-126 STIPELEY NEIGHBOURHOOD

Attention Of V. J. Abraham

SUBJECT

Proposed amendments to the City of Hamilton Official Plan and the Stipeley Neighbourhood Plan to recognize the planned park on the former Hamilton Foundry site.

RECOMMENDATIONS

1. That approval be given to the following plan amendments, to permit the development of lands at 33 Clinton Street for park purposes, as shown on the attached map:

   a) That the City of Hamilton Official Plan be amended by redesignating the subject lands from "Industrial" to "Open Space"; and,

   b) That the approved Stipeley Neighbourhood Plan be amended by redesignating the subject lands from "Industrial" to "Park and Recreational".

EXPLANATORY NOTE

The proposed amendments reflect the City's intention to develop this site for park purposes. The purchase of this site was completed in December, 1987.

David Godley
for V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

BACKGROUND

The lands at 33 Clinton Street have been purchased by the City, and are to be redeveloped for park purposes. A shortage of parkland in this area, and the availability of these lands of the former Hamilton Foundry, led to the consideration of this site for a park.

City Council authorized the purchase of these lands on September 29, 1987. The purchase price of $425,000 will include the demolition of buildings, and clearance of the site. This sale closed as anticipated on December 31, 1987.

AMENDMENTS TO PLANS

Since this site has been used for as a foundry many years, the existing designations in the Official Plan and Neighbourhood Plan are for industrial uses. These designations should be changed to retain the accuracy of these plans and to provide a framework for future improvements such as the planned park and the current PRIDE program.

The City of Hamilton Official Plan presently designates the site for "Industrial". This designation should be amended to "Open Space". The draft Official Plan Amendment attached as Appendix "1" outlines the nature and purpose of this amendment.

The Stipley Neighbourhood Plan presently designates this site for "Industrial". It is recommended that the Neighbourhood Plan be amended by redesignating the subject lands to "Park and Recreational". The proposed neighbourhood plan amendment is shown on the attached map.

The zoning by-law will not require amendment, since public parks are permitted in all zones. The site is currently zoned "K" Heavy Industrial.

COMMENTS FROM CIRCULATION

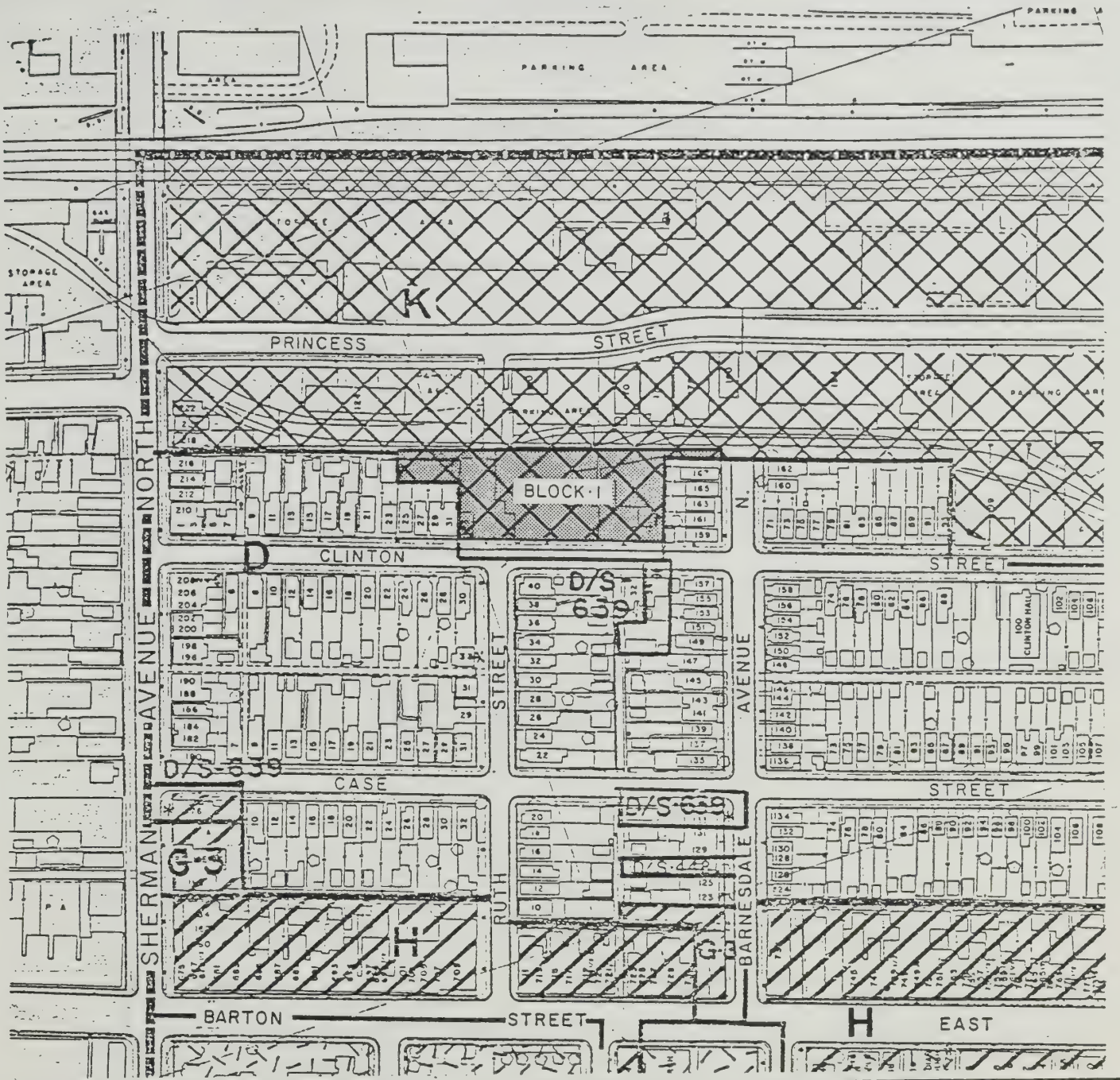
City Council on November 24, 1987 authorized a public meeting to discuss these proposed amendments to recognize the planned park. This meeting is scheduled for January 27, 1988.

Notices were mailed to all residents and property owners within 400 feet of the proposed park. Only one written response was received, a copy of which is attached as Appendix "2":

1) Mr. Peter Rotuziak, 157 Barnesdale Avenue North, feels that the five residential properties immediately to the east of the park site at 159 to 167 Barnesdale Avenue North should also be acquired by the City and used for park land, as well as the railway spur line to the north.

It is felt that the planned park site is sufficiently large to serve the needs of the area. The costs of acquiring five residential properties would likely outweigh the benefits.

VG:nd:CS
Attach.



PROPOSED PLAN AMENDMENTS

1) OFFICIAL PLAN
-FROM "INDUSTRIAL" TO "OPEN SPACE"

2) NEIGHBOURHOOD PLAN
- FROM "INDUSTRIAL" TO "PARK AND RECREATIONAL"

LAND USE

RESIDENTIAL
- single & double
- attached housing
- low density apts.
- medium density apts.
- high density apts.
- commercial & apts.

COMMERCIAL

INDUSTRIAL

CIVIC & INSTITUTIONAL

PARK & RECREATIONAL

OPEN SPACE

UTILITIES

- Neighbourhood Boundary
- Zoning Boundary
- Staging of Development Boundary

Approvals
Planning Bd. NOV. 28/73 Council FEB 26/74

Revisions

JUNE, 1971			
FEBRUARY, 1972			
APRIL 3, 1973			
SEPT. 27, 1976			
SEPT. 8, 1978			

CITY OF HAMILTON
PLANNING DEPARTMENT

STIPELEY
APPROVED PLAN

NORTH
0 100m
50m

AMENDMENT NO.

APPENDIX "1"

TO THE

CITY OF HAMILTON OFFICIAL PLAN

The following text, together with Schedule "A" attached hereto, constitutes Amendment No.

PURPOSE

The purpose of this Amendment is to permit the development of the subject lands for parks purposes.

LOCATION

The subject lands are located at 33 Clinton Street (north side, east of Sherman Avenue) in the Stipeley Neighbourhood.

BASIS

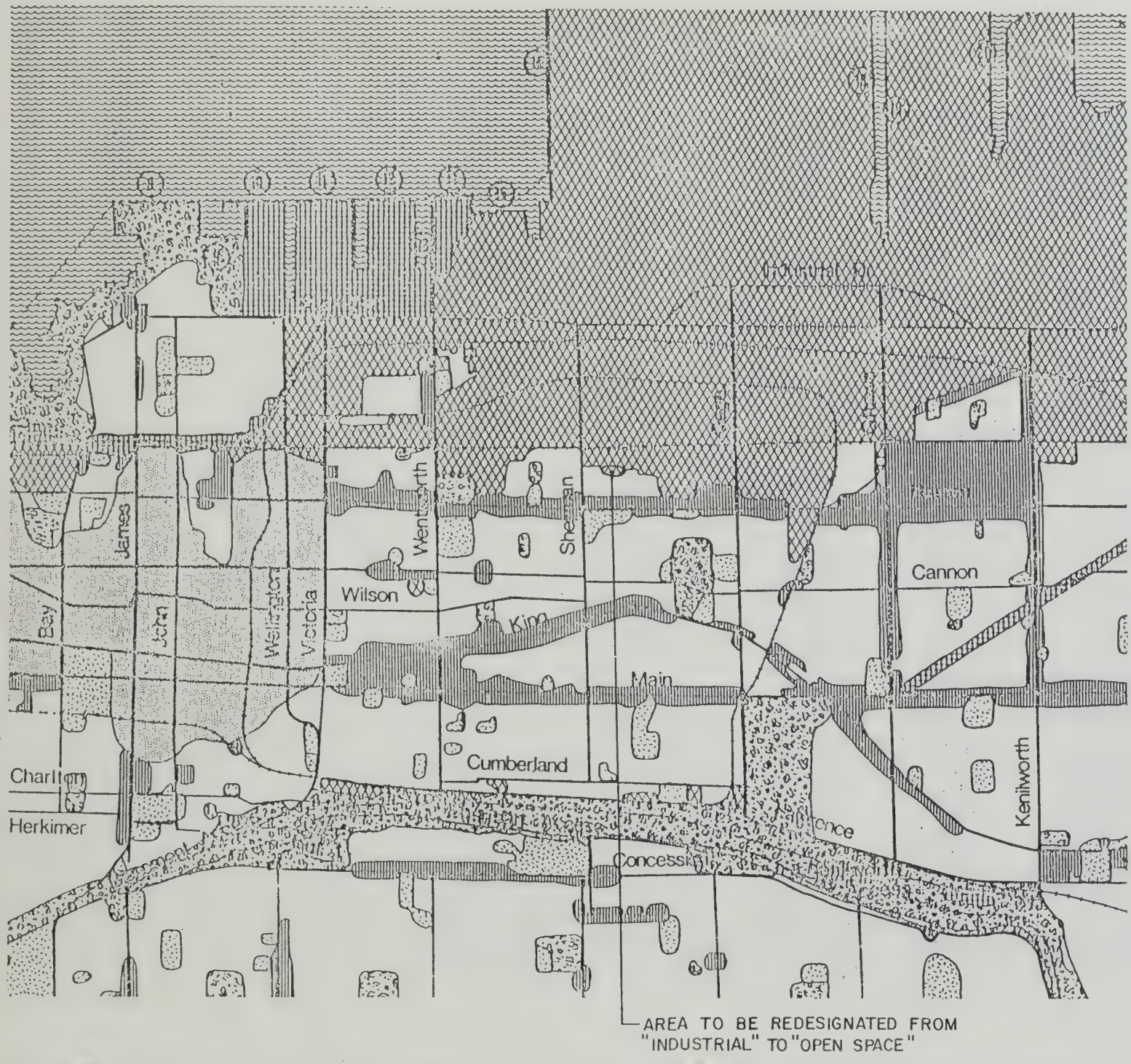
This portion of the Stipeley Neighbourhood was identified as having a shortage of park facilities. Accordingly, City Council purchased the former Hamilton Foundry Site for a park.

ACTUAL CHANGE

Schedule "A" - Land Use Concept, as amended, be further amended by redesignating the subject lands from "Industrial" to "Open Space" as shown on the attached Schedule "A" of this Amendment.

IMPLEMENTATION

Since public parks are a permitted use in all zones an amendment to the zoning by-law is not necessary. Development of the subject lands will be in accordance with Subsection C.1.1 - Parklands of the Official Plan.



Schedule A to draft amendment

to the official plan for the City of Hamilton

LAND USE CONCEPT

Legend

- Residential
- Commercial
- Industrial
- Open Space
- Open Water
- Major Institutional
- Utilities
- Central Policy Area
- Special Policy Area: Windermere Basin
- (10) Pier Numbers
- * Sub Regional Centre

Note: this plan is an excerpt from Schedule A to the Official Plan as approved by the Minister of Municipal Affairs and Housing.
The Schedule for Council adoption will be the complete schedule.

JAN 07 1988

APPENDIX "2"

Peter Kotuzick,
157 Barnesdale Ave N.,
Hamilton, L8L 6T1
Ont.

Re:- "Stipely Neighbourhood Plan" FILE: P5-2-126
33 Elinor St. Park plans

To Whom it may concern:-

I have been at 157 Barnesdale Ave N. for almost forty years, and I believe that the park is a good idea, "BUT."

I would like to recommend, as so did Ald. Reg Wheeler at a meeting about the property, to purchase the houses on Barnesdale Ave N., east of the future park. The addresses on Barnesdale Ave are 159 to 167 Barnesdale Ave N. Also include some-line track that is north of the proposed park.

This spur-line track is not used anymore. This suggestion has been brought up by Ald. Reg Wheeler but I have not heard anything more about it. [illegible]

If the City and Planning Dept. are going to spend so much money on this project, let's do it right & GET rid of that eyesore, once and for all. It is a mistake, once made, not [illegible] and spur-line track.

NOTE MARK ON MAP.

Yours Truly,
Peter Kotuzick

Property owner.

FOR INFORMATION

FROM L.A.C.-A.C **DATE** 1988 January 18th

TO Planning & Development Committee **Refer To File No.** _____

Attention Of _____

Your File No. _____

SUBJECT

Zeller's Building
20-26 James Street North

BACKGROUND

Please be advised that LACAC, at its meeting held 1987 December 14th, supported the Research Sub-Committee's evaluation of the Zeller's Building at 20-26 James Street North as being worthy of designation (specifically the two street facades) but that the designation recommendation not be put forward until after a preservation strategy has been formulated.

The committee further agreed that the property owner, Planning and Development Committee and the Building Department be informed that LACAC has evaluated the Zeller's Building as being worthy of designation.

Lori Peddle

Mrs. Lori Peddle, Secretary
L.A.C.A.C.

LP/lp

cc: *Mrs. D. Dent, Chairman*
Mr. P. Kuppe, Building Commissioner
Mr. V. Abraham, Director of Local Planning
Mrs. N. Chapple, Planning Department

URBAN MUNICIPAL
JAN 20 1988
GOVERNMENT DOCUMENTS

Copy sent to P&D - 1988 Jan. 22

FOR INFORMATION

FROM Mr. E. W. Kowalski, Director
Community Development Department

DATE 1988 January 08

TO Planning and Development Committee

Refer To File No. 800-0608
800-0609

Attention Of _____

Your File No. _____

SUBJECT

Crown Point West/Stipeley Programme for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.) Community Improvement Plan (C.I.P.); Public Meeting.

BACKGROUND

Since 1987 November, Alderman Valeriano, Alderman Hinkley and staff have been meeting with the Crown Point West/Stipeley P.R.I.D.E. Citizens' Advisory Committee to draft the Community Improvement Plan for the Crown Point West/Stipeley Area. The Planning Act, R.S.O. 1983, Section 17, Sub-section 2, stipulates that a Public Meeting be held with all affected residents, who have been given thirty (30) days notice prior to the meeting. Subsequently, a Public Meeting will be held 1988 February 17 at 7:00 p.m. on the second floor lobby of City Hall.

The Crown Point West/Stipeley P.R.I.D.E. is provided for in the 1987-1991 Capital Budget as project number E38006 at the gross cost of $800,000.

The Community Improvement Plan will be forthcoming as soon as it is finalized.

c.c. Mr. R. Prowse, Secretary
Parks and Recreation Committee

URBAN MUNICIPAL
JAN 20 1988
GOVERNMENT DOCUMENTS

Copy sent to P&D - 1988 Jan 22

INFORMATION

FOR ACTION

FROM: Planning and Development Department DATE: January 20, 1988

TO: Planning and Development Committee Refer to File No. DA-87-73
DA-87-88
DA-87-89
DA-87-93
DA-87-97
DA-87-99
DA-87-102
DA-87-108
DA-87-112

BACKGROUND

The attached Site Plan Control Applications have been approved by the Chairman of the Planning and Development Committee and the Alderman of the Ward.

URBAN MUNICIPAL
JAN 20 1988
GOVERNMENT DOCUMENTS

JPS/dkp

WP 0021P

Copy sent to P&D - 1988 Jan. 22

FOR ACTION

FROM Planning and Development Department DATE October 30, 1987

TO Planning and Development Committee Refer to File No. DA87-73 (DA85-10)

Attention Of V. J. Abraham

PROPOSAL

Plans have been submitted to amend grading and landscape plans of previously approved Site Plan Control Application DA85-10.

During construction of the existing building, various grading changes were made in discussion with the adjacent townhouse corporation. A retaining wall has been constructed along the easterly and northerly property lines where a slope had originally been approved. Additional shrubs have been added but proposed trees have been deleted due to the proximity of existing trees on the townhouse development.

RECOMMENDATION

That approval be given to Site Plan Control Application NA87-73 by Carmen Mancini, owner of lands at 630 Stone Church Road West to amend approved plans of Site Plan Control Application DA85-10 with regard to grading and landscaping for a bakery development subject to the following:

(a) modification to the plan related to dimensions, notes and landscaping as marked in red on the plans.

(b) confirmation from the abutting townhouse corporation at 620 Stone Church Road West that the proposal is satisfactory.

V. J. Abraham

Victor J. Abraham, M.C.I.P.
Director of Local Planning

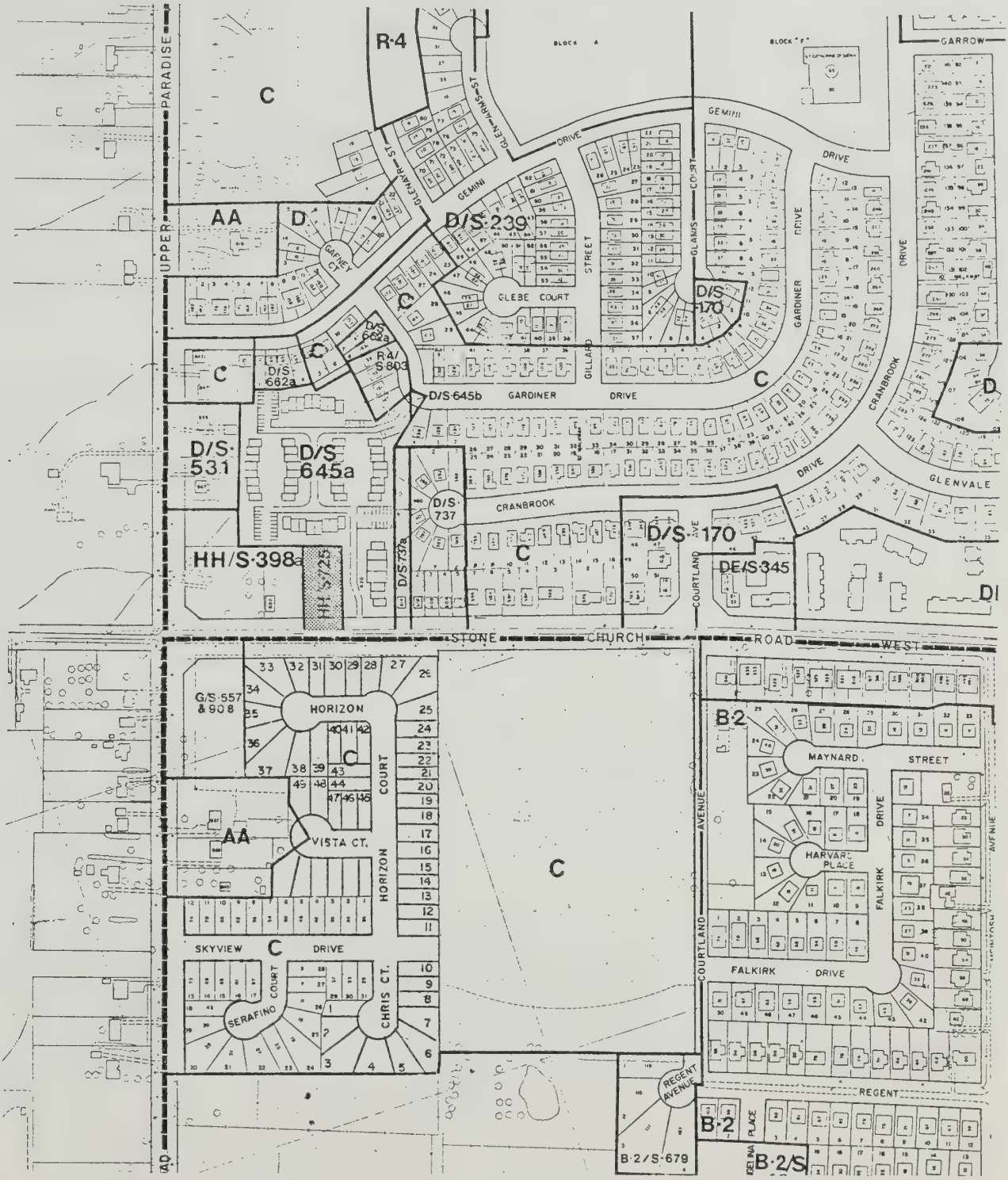
Approved On: Dec 11/87.

Alderman John Smith
Chairman

Alderman Don Ross
Ward Alderman

VJA/JPS/jd
W.P.DOC.0390P

50 GILKSON



44 FALKIRK EAST

PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL
APPLICATION DA-87-73

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

SITE OF THE APPLICATION

North	Scale	Reference File No.
	1:5,000	DA-87-73
	Date	Drawing No.
	AUG.,1987	87-H-

FOR ACTION

FROM Planning and Development Department DATE December 1, 1987

TO Planning and Development Committee Refer to File No. DA-87-88 DURAND NEIGHBOURHOOD

Attention Of V. J. Abraham

PROPOSAL

Plans have been submitted for development of the property at the south-west corner of Main Street West and James Street South. The commercial development will consist of renovations to the existing "Bank of Montreal" structure at 52 James Street South and construction of a new 13 storey office structure on the adjacent lands presently used as a parking lot. Parking for 74 vehicles will be provided within the new structure with access from the westerly public alleyway. Two loading spaces and servicing areas will also be provided adjacent to the alleyway.

COMMENTS

The urgent nature of this development has required that the plans submitted on November 11, 1987 be processed as expeditiously as possible. Various modifications have been marked in red on the plans to incorporate comments from the departments while other comments are included within the recommendations.

The circulated plans proposed two loading spaces at 3.7 m x 9.0 m and a proposed restaurant use within the complex. The Building Department advised that the project would require four loading spaces at 3.7 m x 18.0 m whereas an office complex without a restaurant would require four loading spaces at 3.7 m x 9.0 m. The architect has indicated that the development will accommodate the required four 9.0 m long loading spaces, but will proceed at a later date to the Committee of Adjustment to reduce the number to two 9.0 m long loading spaces. The Traffic Department has not as yet responded to this most recent matter of a proposed variance.

The plans have also been circulated to LACAC due to their involvement with the Bank of Montreal building and the impact of the proposed development on the designated building. LACAC has not been able to meet and has scheduled a special meeting for December 4, 1987. Preliminary comments (attached) have been returned from representatives of the Research Sub-Committee only. Concerns have been expressed on the exterior and interior renovations of the existing building and also some design elements of the new building and the link between the new and existing buildings. It should be noted that there are a number of buildings in the area which are designated or are in the process of being designated which should be considered in the overall concept of the development.

.../2

The submitted plans have been modified in consideration of the north, south and east elevations and the interior banking hall which are subject to registered Heritage Easements and municipal designations requiring separate applications. However, the matters dealing with the architectural elements may require further discussion with the applicant, his architect and LACAC representatives.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-88 by 52 James Street South Limited, prospective owner of lands at 52 James Street South and owner of adjacent lands fronting on Main Street West, west of James Street South, for development of a commercial complex subject to the following:

a) modification to the plans related to dimensions, notes, landscaping, walkway surfacing, and grading as marked in red on the plans;

b) modification to the plan to incorporate a note indicating that the interior banking hall and the north, east and south building elevations are subject to the registered easements and municipal designation;

c) modification to the plan to incorporate four loading spaces 3.7 m x 9.0 m as marked in red on the plans;

d) dedication to the Region of Hamilton-Wentworth of a 2.133 m (7 ft.) road widening along Main Street West adjacent to the currently vacant land or alternate provision of an easement for the same area;

e) provision of the various encroachment agreements as required for paving and plantings and underground parking within the road allowance as widened;

f) that the plans be incorporated into a development agreement to be registered on title of the land as required by Schedule "A" of the offer to purchase dated March 31, 1987;

g) that the plans be modified to incorporate a note indicating that any changes to the size and numbers of loading spaces may require the approval of the Committee of Adjustment; and,

h) that final comments from LACAC be considered for final elevations.

And further;

That in regard to items (d) and (e) a letter of undertaking be provided by the owner that the road widening/easement and encroachment agreements will be provided by February 1, 1988.

V. J. Abraham

Victor J. Abraham, M.C.I.P.
Director of Local Planning

Approved On:

Dec 2/87.

Alderman John Smith
Chairman

Alderman William McCulloch
Ward Alderman

PRELIMINARY COMMENTS BY REPRESENTATIVES
FROM THE LACAC RESEARCH SUB-COMMITTEE

DECEMBER 1, 1987

LACAC has been asked to comment on the proposed building for the Bank of Montreal development both because of LACAC's role in the preserving of the bank building and because the immediate context for the new building is composed of a number of designated and listed buildings. LACAC has called a special meeting for December 4 but following are preliminary comments from some members of the Research Sub-Committee.

A. Bank of Montreal Building

1. Exterior

East, north, south facades no alterations proposed according to drawings. Any alteration would require approval from Council and the O.H.F.

2. Interior Banking Hall

Interior hall is covered by the designation and easement controls and no partitioning would be allowed unless approved by the Ontario Heritage Foundation and City Council.

B. Link

- Question whether roof is glazed and how it is linked to the bank building.

C. New building - design comments

- Treatment of the proposed building should relate in a complementary way to the existing designated bank building.

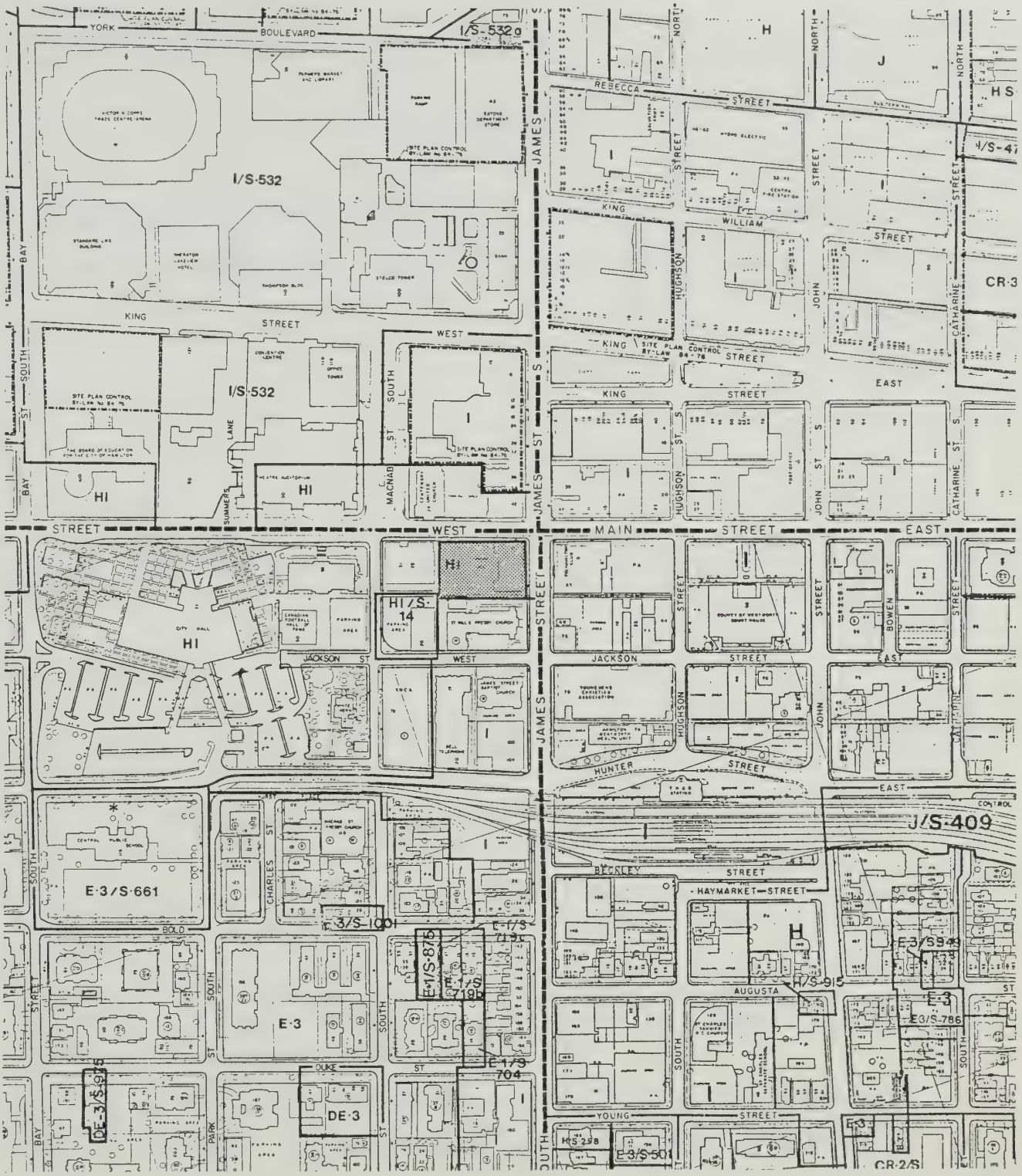
  1) Arches of lower three floors contrast with the classical greek features of the bank.

  2) Arches in roof treatment likewise contrast with the bank's classical lines.

- Treatment of south facade should relate sympathetically to St. Paul's Presbyterian Church and the open green space between the two buildings.

21 CENTRAL

10 BEASLEY



41 DURAND

31 CORKTOWN

PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL APPLICATION DA-87-88

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

SITE OF THE APPLICATION

North	Scale	Reference File No.
	1:5,000	DA-87-88
	Date	Drawing No.
	SEPT., 1987	87-H-

FOR ACTION

FROM Planning and Development Department DATE January 6, 1988

TO Planning and Development Committee Refer to File No. DA-87-89
YEOVILLE
NEIGHBOURHOOD

Attention Of V. J. Abraham

PROPOSAL

Plans have been submitted to erect a new 39-seat donut shop building and demolish the existing donut shop building at 894 Upper James Street. The proposed building is to be located at the rear of the lot.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-89 by Tim Donut Limited, owners of lands known as 894 Upper James Street for a new 39-seat restaurant subject to the following:

a) modification to the plans related to dimensions and notes as marked in red on the plans;

b) dedication to the Regional Municipality of Hamilton-Wentworth of approximately 3.048m (10 feet) of land along Upper James Street for road widening purposes;

c) clarification of the requirement for an encroachment agreement for the existing pylon sign to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department;

d) approval by the Committee of Adjustment for the following variances:

   i) a reduction of the minimum rear yard requirement from 6.10 to 3.048m;

   ii) a reduction in the minimum side yard requirement for access driveways from 6.10 to 5.18m;

   iii) inclusion of the garbage enclosure in the side yard.

e) provision of a landscape treatment as marked in red on the plans;

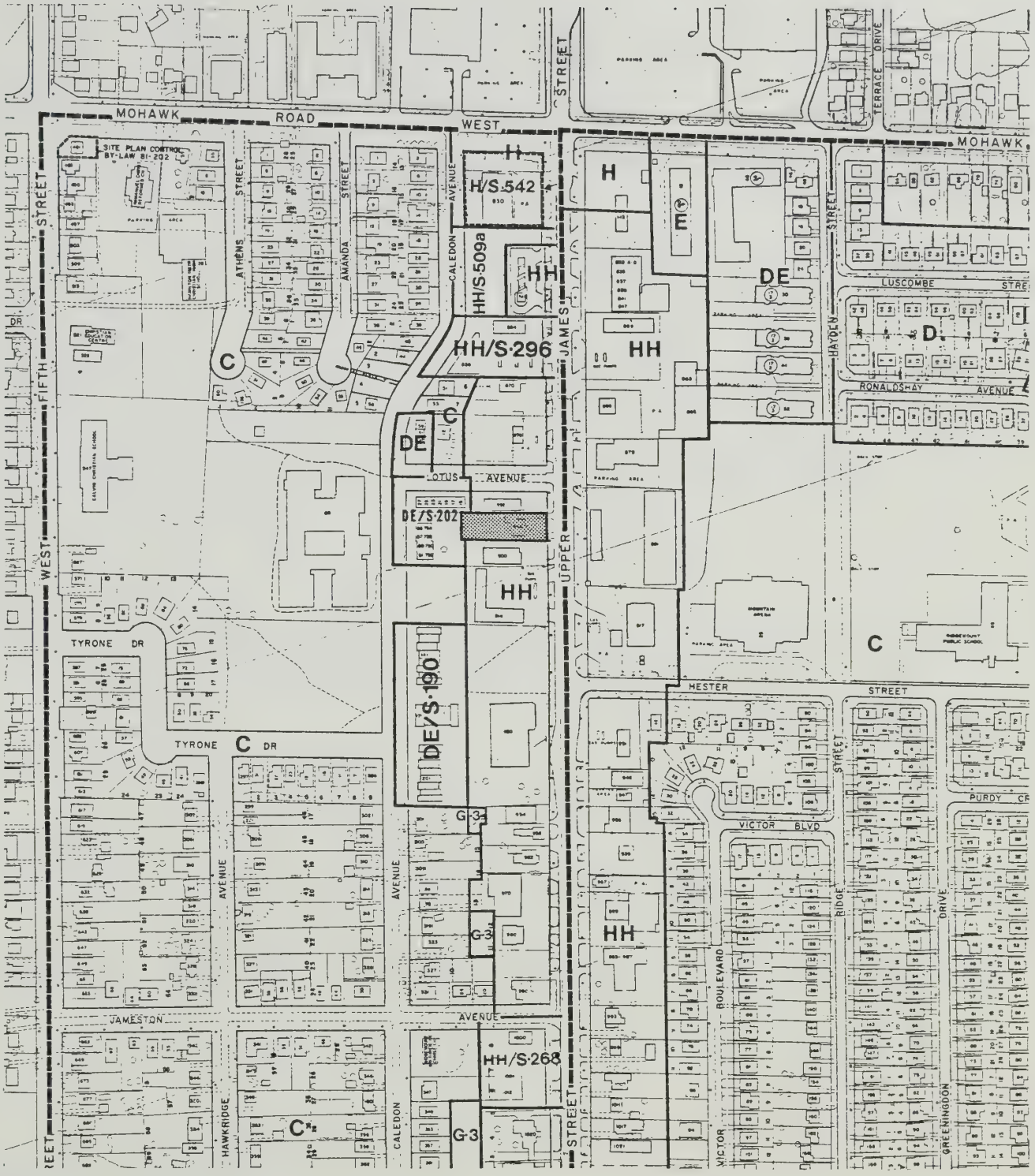
f) provision of a letter from the adjacent north-west property owner stating that they have no objection to the landscaping and fencing treatment as shown on the plans.

for Victor J. Abraham, M.C.I.P.
Director of Local Planning

Approved On: Jan 9 / 88

Alderman John Smith
Chairman

Alderman Don Ross
Ward Alderman



PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL
APPLICATION DA-87-89

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

SITE OF THE APPLICATION

North	Scale	Reference File No.
	1:5,000	DA-87-89
	Date	Drawing No.
	SEPT. ,1987	87-H-

FOR ACTION

FROM Planning and Development Department DATE January 14, 1988

TO Planning and Development Committee Refer to File No. DA-87-93 NORTH HANNON NEIGHBOURHOOD

Attention Of V. J. Abraham

PROPOSAL

Plans have been submitted for a banquet facility at 1500 Stone Church Road. The proposed building has a gross floor area of 3,145m^2 (33,853.6 square feet) and a maximum building height of 14.0m (45.93 feet). The structure is a combination of textured stucco walls, tinted windows, metal roof with a green-house on the north-east corner, and a terrace on the south-west corner. A total of 212 parking spaces have been provided.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-93 by Carmen's Bakery and Fine Foods, owners of the lands known as 1520 Stone Church Road East for a banquet facility, subject to the following:

a) modification to the plans related to dimensions, notes and access as marked in red on the plans;

b) submission of a revised grading plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Region Engineering Department;

c) submission of a revised landscape plan to the satisfaction of the Director of Local Planning, Planning and Development Department;

d) provision of a note on the plan that the number of required parking spaces will be determined at the time of application for building permit; and,

e) provision of a note on the plan that the maximum height of the building is to be 14m (45.93 feet).

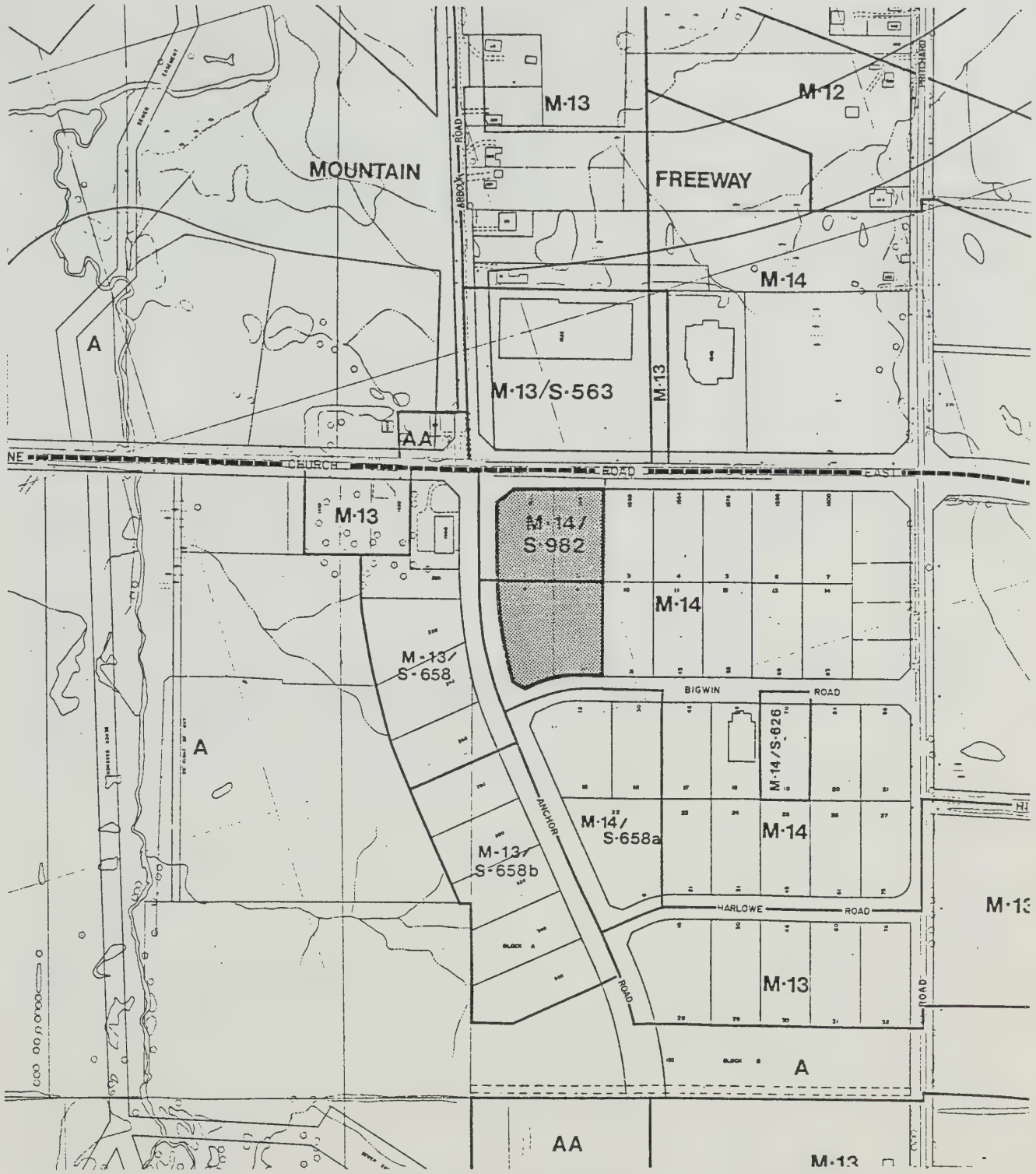
for Victor J. Abraham, M.C.I.P.
Director of Local Planning

Approved On: Jan 18/88

Alderman John Smith
Chairman and Ward Alderman

VJA/JM/cab.
W.P.DOC.0390P

5 ALBION FALLS



62 HANNON NORTH

PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL
APPLICATION DA-87-93

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

SITE OF THE APPLICATION

North	Scale	Reference File No.
	1:5,000	DA-87-93
	Date ,1987	Drawing No. 87-H-

FOR ACTION

FROM Planning and Development Department DATE December 7, 1987

TO Planning and Development Committee Refer to File No. DA-87-97 TEMPLEMEAD NEIGHBOURHOOD

Attention Of V. J. Abraham

PROPOSAL

Plans have been submitted for a one-storey, commercial plaza for the north-west corner of Rymal Road and Rockland street. The proposal suggests the gross floor area of the building will be 1382.0 m^2 (14,878.0 sq.ft.) with 33 parking spaces. The building elevation drawings suggest the building will be white stucco with a clay tile roof.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-97 by Rodosa Development Corporation, owner of the lands known as 10 Rockland Avenue for a one-storey, commercial development subject to the following:

a) modification to the plans related to dimensions, notes and landscaping as marked in red on the plans.

V. J. Abraham

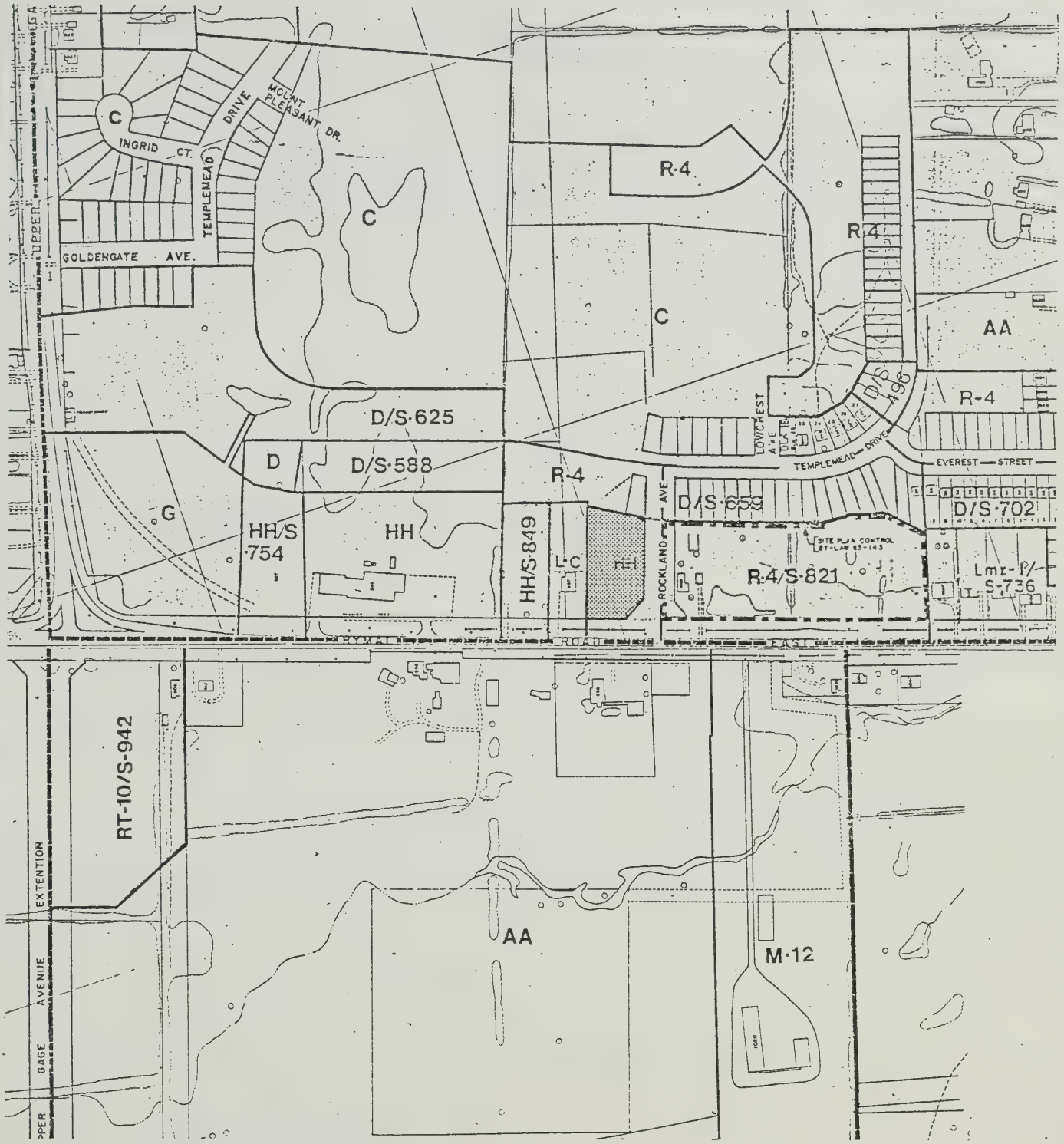
Victor J. Abraham, M.C.I.P.
Director of Local Planning

Approved On: Dec 8th /87

Alderman Don Ross
Acting Chairman & Ward Alderman

VJA/JPS/jd
W.P.DOC.0390P

129 TEMPLEMEAD



129 BROUGHTON EAST

PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL
APPLICATION DA-87-97

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

SITE OF THE APPLICATION

North	Scale	Reference File No.
	1:5,000	DA-87-97
	Date	Drawing No.
	DEC.,1987	87-H-

FOR ACTION

FROM Planning and Development Department DATE December 23, 1987

TO Planning and Development Committee Refer to File No. DA-87-99 HANNON NORTH NEIGHBOURHOOD

Attention Of V. J. Abraham

PROPOSAL

Plans have been submitted to amend the previously approved Site Plan Control Application DA-87-18 for a one-storey industrial development for the lands known as 1576 Stone Church Road East. The revised plans have deleted twelve overhead doors on the westerly elevation due to heating costs. The internal use of the building has been revised as well as the relocation of one loading space and related parking spaces.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-99 by Ablaka Development Limited, owner of the lands known as 1576 Stone Church Road East for modification to the previously approved industrial building, subject to the following:

1) modification to the plans related to notes as marked in red on the plans.

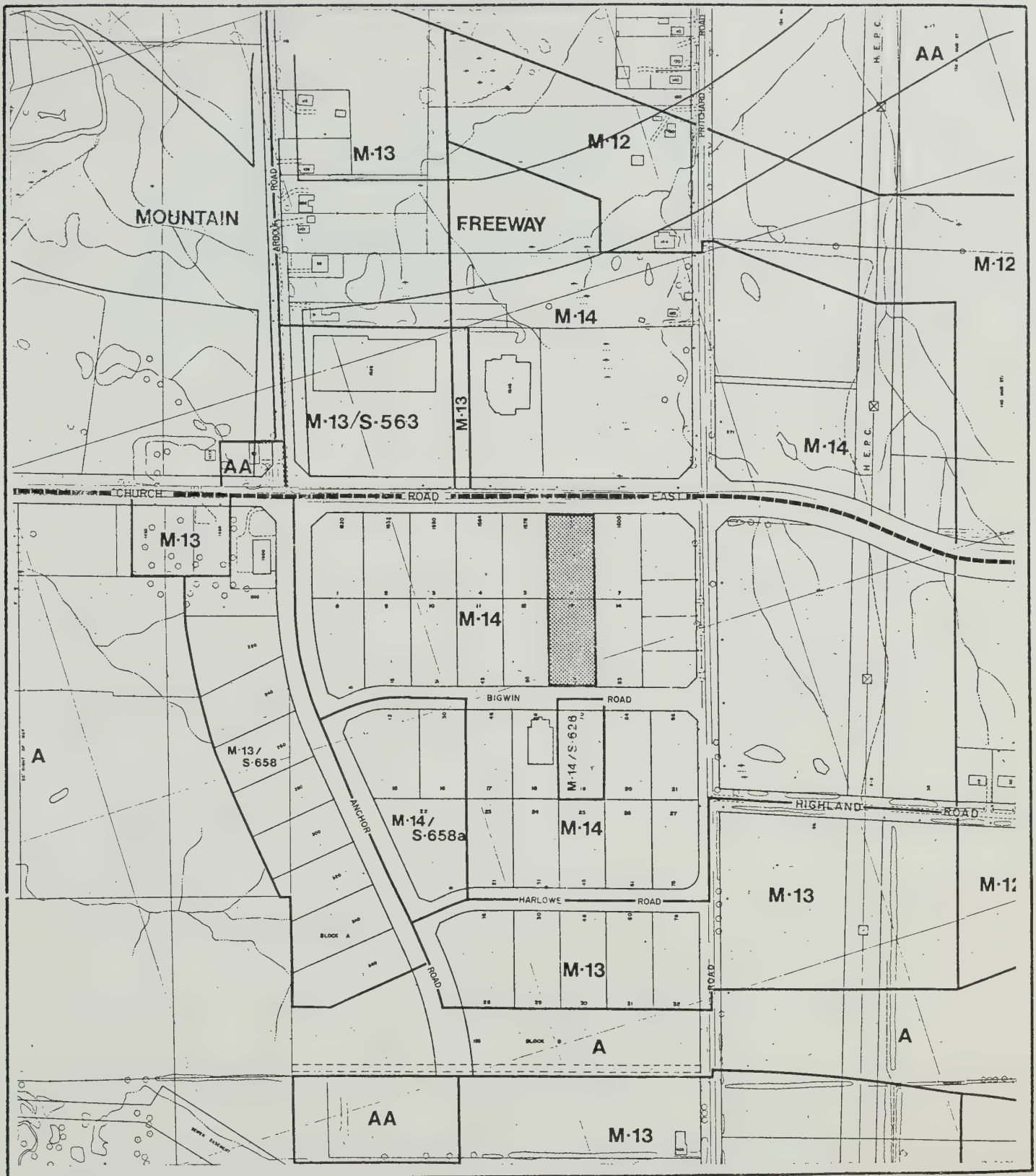
Note: It should be noted that the building is nearing completion and the applicant must make application to the Traffic Department for a Driveway Approach Approval.

Victor J. Abraham, M.C.I.P.
Director of Local Planning

Approved On: Dec 29/87

Alderman John Smith
Chairman and Ward Alderman

VJA/JPS/jd
W.P.DOC.0390P



PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL
APPLICATION DA-87-18

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

SITE OF THE APPLICATION

North	Scale	Reference File No.
	1:5,000	(DA-87-18) DA87-99
	Date	Drawing No.
	April ,1987	87-H-22

FOR ACTION

FROM Planning and Development Department DATE December 9, 1987

TO Planning and Development Committee Refer to File No. DA-87-102 (DA-86-103) KENTLEY NEIGHBOURHOOD

Attention Of V. J. Abraham

PROPOSAL

Plans have been submitted for the installation of a pylon sign to be located at 637 Queenston Road.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-102 by Eolian Holding Operating Hamilton Applicance Centre, owner, of the property located at 637 Queenston Road, and further, that the owner be exempted from signing the required undertaking on the plans.

V. J. Abraham

Victor J. Abraham, M.C.I.P.
Director of Local Planning

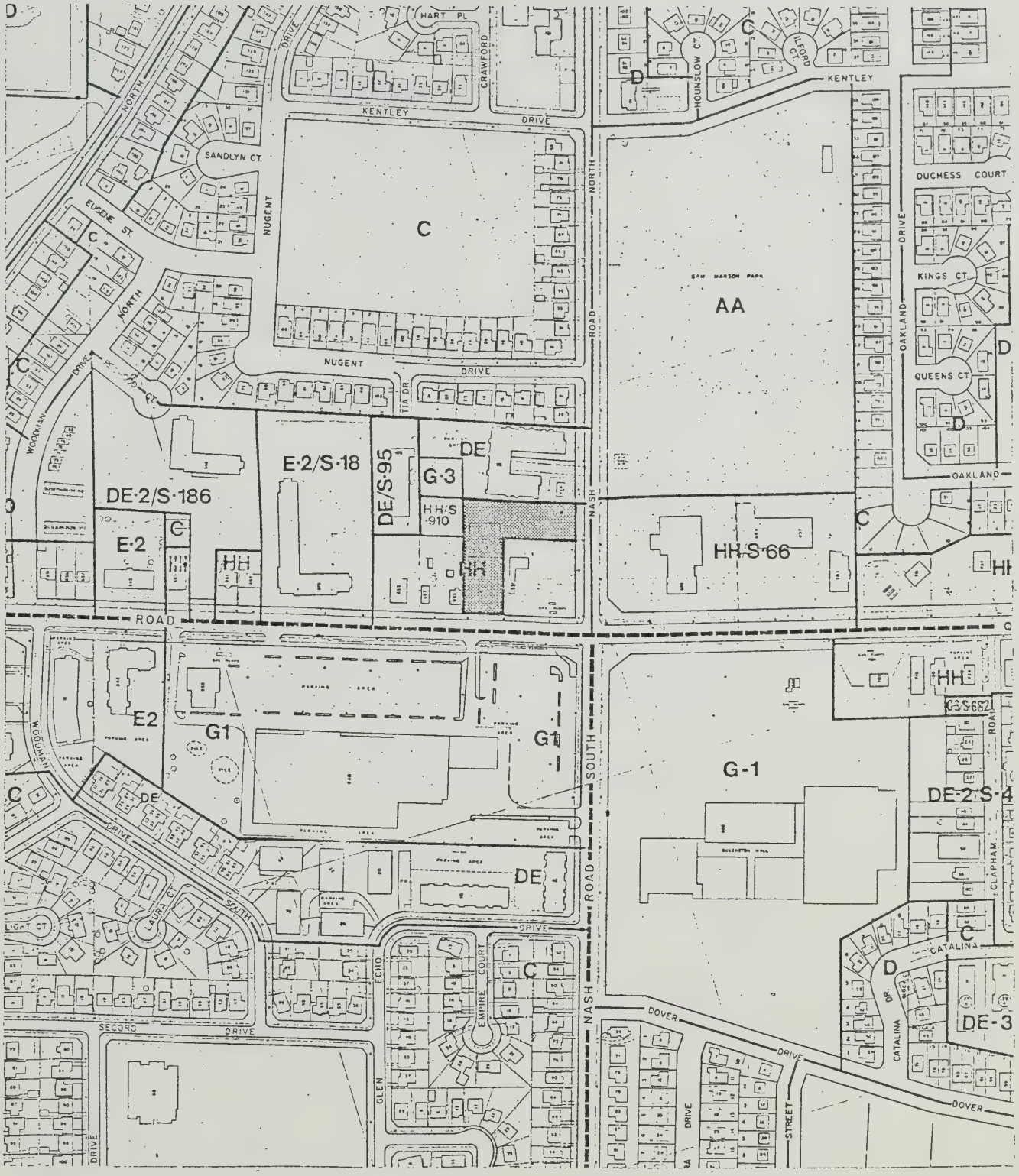
Approved On: Dec 11/87.

Alderman John Smith
Chairman

Alderman Domenic Agostino
Ward Alderman

D. Agostino

VJA/JPS/jd
W.P.DOC.039OP



PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL APPLICATION DA-87-102

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

SITE OF THE APPLICATION

North	Scale	Reference File No.
	1:5,000	DA-87-102
	Date	Drawing No.
	DEC.,1987	

FOR ACTION

FROM Planning and Development Department DATE January 11, 1988

TO Planning and Development Committee Refer to File No. DA-87-108 GREENINGDON NEIGHBOURHOOD

Attention Of V. J. Abraham

PROPOSAL

Plans have been submitted for a single storey commercial development at 879 Upper James Street. The proposed uses include retail and a 124-seat restaurant. The building elevation suggests that the building will be brick with a pre-finished metal roof.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-108 by J.N.S. Developments Limited, owners of the lands known as 879 Upper James Street for a single storey commercial development, subject to the following:

i) modification to the plans related to dimensions and notes as marked in red on the plans;

ii) submission of a revised grading plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department;

iii) dedication to the Regional Municipality of Hamilton-Wentworth of approximately 3.048m (10 feet) of land along Upper James Street for road widening purposes;

iv) submission of a revised landscape plan to the satisfaction of the Director of Local Planning, Planning and Development Department;

v) provision of garbage enclosure to be of the same material as the building; and,

vi) provision of a note on the plan indicating that the 18m long loading space will be revised to two 9m long loading spaces upon approval from the Committee of Adjustment.

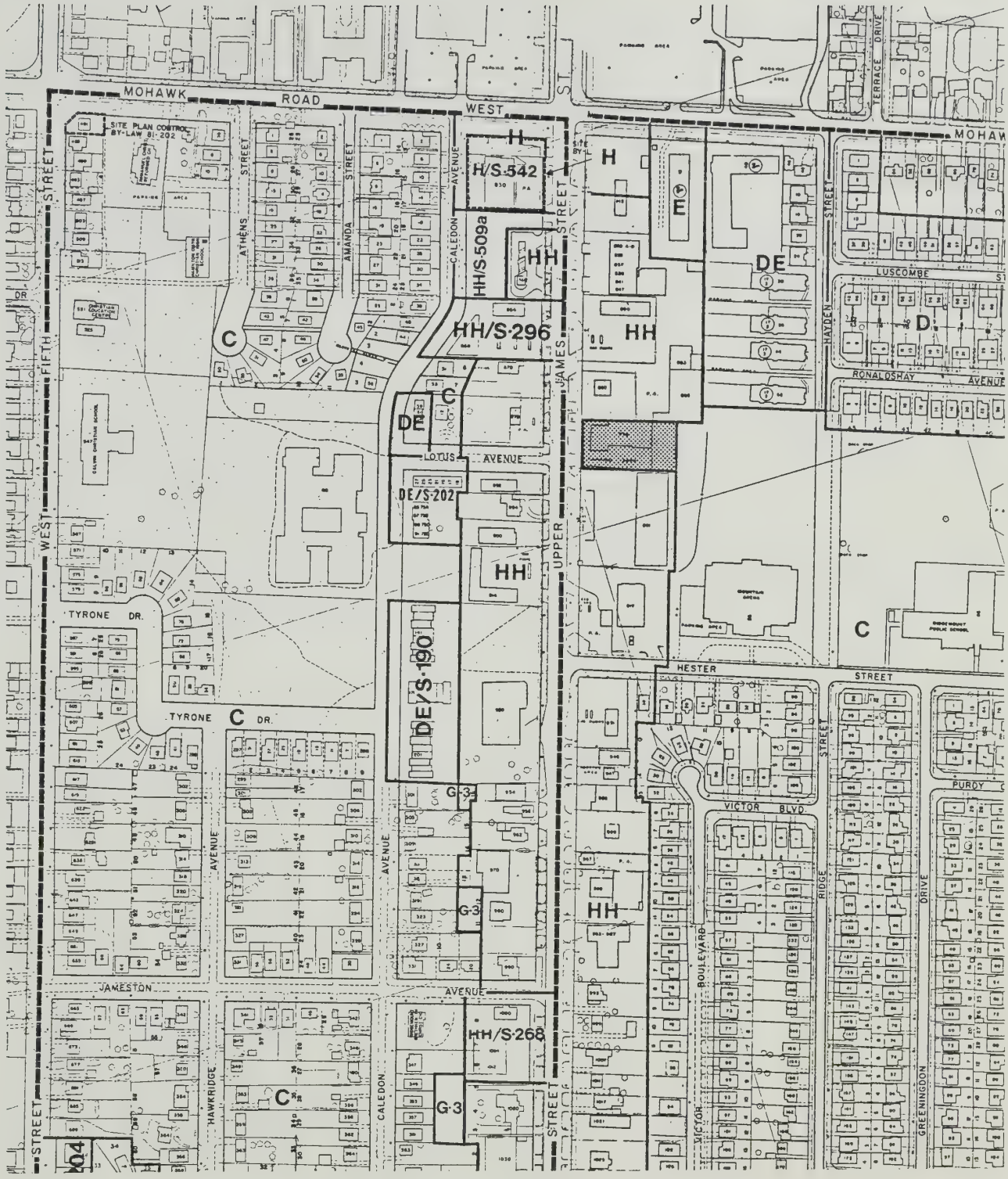
Victor J. Abraham, M.C.I.P.
Director of Local Planning

Approved On: Jan 15/88

Alderman John Smith
Chairman

Alderman Henry Merling
Ward Alderman

VJA/JM/cab
0390P



PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL
APPLICATION DA-87-108

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

SITE OF THE APPLICATION

North	Scale	Reference File No.
	1:5,000	DA-87-108
	Date	Drawing No.
	NOV.,1987	87-H-

FOR ACTION

FROM Planning and Development Department DATE January 6, 1988

TO Planning and Development Committee Refer to File No. DA-87-112
NASHDALE NEIGHBOURHOOD

Attention Of V. J. Abraham

PROPOSAL

Plans have been submitted for approval for the relocation of a proposed pylon sign for the shopping centre presently under construction at the north-west corner of Centennial Parkway North and Goderich Road.

The sign is to be located adjacent to Centennial Parkway North instead of at the entrance to the site from Goderich Road. The face of the sign will be approximately 30m (10 feet) wide and 6.4m (21 feet) high, with a clearance of 3m (10 feet) at the bottom of the sign.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-112 by Landawn Shopping Centres, owner of the lands at 45 Goderich Road, to amend approved plans of Site Plan Control Application DA-87-22 to relocate a proposed pylon sign;

and further;

That the owner not be required to sign the "undertaking" on the plans for the relocated sign.

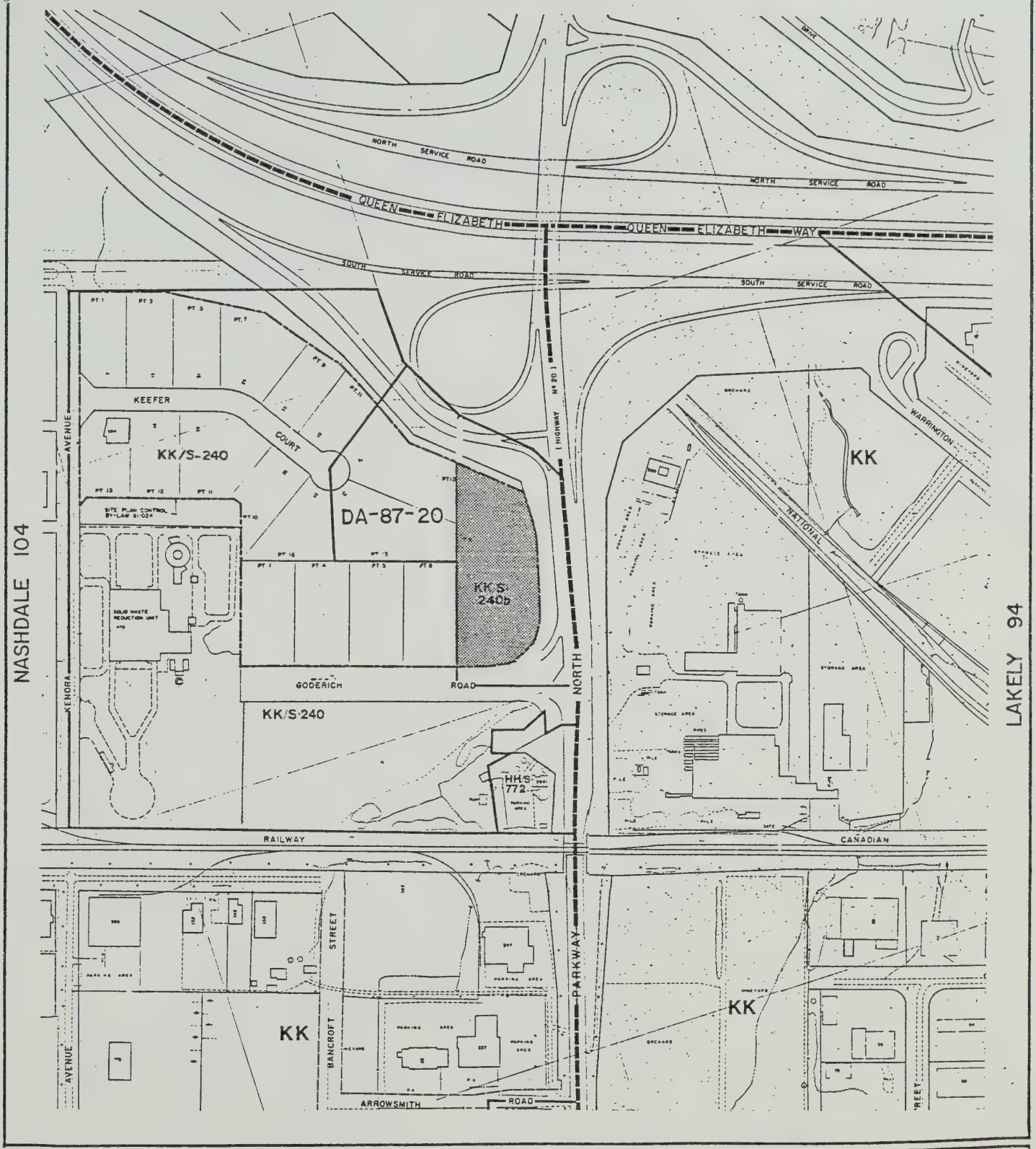
for Victor J. Abraham, M.C.I.P.
Director of Local Planning

Approved On: Jan 13/88

Alderman John Smith
Chairman

Alderman Dominic Agostino
Ward Alderman

VJA/JPS/cab.
W.P.DOC.0390P



PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL
APPLICATION DA-87-112

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

SITE OF THE APPLICATION

North	Scale	Reference File No.
	1:5,000	DA-87-112
	Date	Drawing No.
	JAN.,1988	

E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

1988 February Ø3

URBAN MUNICIPAL

FEB 8 1988

GOVERNMENT DOCUMENTS

N O T I C E O F M E E T I N G

Planning and Development Committee
Wednesday, 1988 February 10th
1:ØØ O'CLOCK P.M.
Room 233, City Hall

Susan K. Reeder.
Mrs. Susan K. Reeder
Acting Secretary

PLEASE NOTE THE EARLIER START TIME

A G E N D A

DELEGATIONS

A. 1:ØØ o'clock p.m. - Recommendations - Task Force on Lot Grading - Alderman H. Merling, Chairman

B. 2:ØØ o'clock p.m. - Mr. Donald F. May, Planning Consultant - Niagara Escarpment Plan Amendment - Cochren Construction - Greenhill Avenue.

1. Minutes of the meeting held Wednesday, 1988 January 27th (copy to follow). not received as of June 1 '88

MAYOR MORROW

2. Correspondence - Mr. Walter Bosch, Royal LePage Real Estate Services Limited.

ALDERMAN M. KISS

3. Designated Area Enforcement.

ALDERMAN D. ROSS

4. St. Elizabeth Building, 74 Charlton Avenue East.

   (a) Report - L.A.C.A.C.

   (b) Report - Planning and Development Department.

L.A.C.A.C.

5. Thomas B. McQuesten High Level Bridge - Paint Colour Analysis.

ITEM REFERRED BACK BY CITY COUNCIL

6. Letters of objection - Zoning By-Law 87-351 respecting property at 1088 Main Street West.

BUILDING COMMISSIONER

7. Demolition Application - 405 Sherman Avenue North.

DIRECTOR OF COMMUNITY DEVELOPMENT

8. (a) Application - Ontario Home Renewal Programme.

   (b) Community Heritage Trust Fund - Progress Payment - Mr. Don Warrener, Custom House - 51 Stuart Street.

DIRECTOR OF PROPERTY

9. (a) Termination of land sale - Stone Church Road East.

   (b) Sale - Part Lot 3, Concession 8 - 1298 and 1292 Stone Church Road East.

   (c) Purchase by the City - 356 Birch Avenue.

DIRECTOR OF LOCAL PLANNING

10. (a) Condominium Application SA-87-32, Ablaka Developments Ltd., owner, of property on the south side of Stone Church Road East, east of Anchor Road.

(b) Authorization for a Public Meeting - Proposed Central Area Secondary Plan.

(d) Neighbourhood Plan Amendments - Housekeeping.

PUBLIC MEETING - ZONING APPLICATIONS

3:00 O'CLOCK P.M.

3:00 o'clock P.M.

11. Zoning Application 87-118 - property at 110 Mohawk Road East.

12. Zoning Application 87-122 - property at 94 Park Street North.

13. Zoning Application 87-127 - properties at 1526 and 1532 Upper Gage Avenue.

3:15 o'clock P.M.

14. Zoning Application 87-126 - for lands in the area west of Upper Ottawa Street, between the proposed extension of Independence Drive and Templemead Drive.

15. Zoning Application 87-28 to amend the Hamilton Zoning By-law No. 6593 for all lands zoned in the "A" and "AA" Districts.

3:30 o'clock P.M. - ITEMS TO BE LIFTED FROM THE TABLE.

16. Zoning Application 87-83 - for property at 270 Main Street West (Item to be lifted from the table by Alderman Cooke.).

    (a) Letter of submission - Mr. Barry Reid, 72 Ray Street South.

17. Zoning Application 87-98 - for property at 1300 Garth Street (Item to be lifted from the table by Alderman Ross.).

PUBLIC MEETING - ZONING APPLICATION

7:00 O'CLOCK P.M.

18. Zoning Application 87-119 - for property at 986-998 Upper Wentworth Street (Item to be lifted from the table by Alderman Merling).

    (a) Letter of submission - Mr. & Mrs. David Cravero, 35 Titmouse Court.

    (b) Letter of submission - Mr. D. Smith, 40 Heron Place.

PUBLIC MEETING - LAND USE REVIEW

7:30 O'CLOCK P.M.

NOTE: This is a Neighbourhood Meeting for land use review respecting property at 832 to 890 Upper Wentworth Street, Bruleville Neighbourhood.

3:30 o'clock P.M. - ITEMS TO BE LIFTED FROM THE TABLE.

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PUBLIC MEETING - LAND USE REVIEW

7:30 O'CLOCK P.M.

NOTE: This is a Neighbourhood Meeting for land use review respecting property at 832 to 890 Upper Wentworth Street, Bruleville Neighbourhood.

A.

MEMORANDUM • CITY OF HAMILTON

TO : Alderman J. Smith, Chairman and Members Planning and Development Committee

YOUR FILE:

FROM : Alderman H. Merling, Chairman Task Force on Lot Grading

OUR FILE :

SUBJECT : **Final Report of the Task Force on Lot Grading**

DATE : 1988 January 29

The Task Force on Lot Grading was established on 1987 August 12th by the Planning and Development Committee, and City Council at its meeting held 1987 November 10th, approved a composition structure of this Task Force;

> "for the purpose of meeting to look for a mechanism that can be put in place to regulate and control the installation of retaining walls, ensure proper grading, etc."

Since that time the Task Force has had considerable discussion over the course of six meetings. The Task Force was comprised of excellent representatives from the community, home building industry, labour, legal profession and staff.

The following list outlines those members:

ELECTED OFFICIALS

Alderman H. Merling, Chairman
Alderman T. Murray, Vice-Chairman
Alderman J. Gallagher
Alderman D. Christopherson

ENGINEERS

Mr. Peter Ashenhurst, Ashenhurst Nouwens Limited
Mr. Adi Irani, A. J. Clarke and Associates

DEVELOPMENT COUNCIL

Mr. George Barclay, Hamilton General Homes (1971) Ltd.
Mr. Bud Sinclair, George Sinclair Construction Inc.

BUILDER

Mr. Ward Campbell, Starward Homes Ltd.

LEGAL PROFESSION

Mr. Mark Durward
Mr. Mike Dingwall
Mr. Fred Rudolph

COMMUNITY REPRESENTATIVES

Mr. Don Tebutt
Mr. Don Snaith

LABOUR

Mr. George Beattie, Local 1005, U.S.W.A.

CONTRACTOR

Mr. Bill Robinson, Delmar Construction

STAFF

Mr. Len King, Building Department
Mr. Brian Allick, Building Department
Mr. Konrad Brenner, Regional Engineering
Mr. Stan Spencer, Regional Engineering
Mr. Y. Schwarz, Regional Planning
Mr. Doug Lobo, Public Works
Mr. Bernie Court, Public Works
Mr. P. Shen, City Solicitor's Office
Mr. L. Farr, City Solicitor's Office
Mrs. Susan K. Reeder, City Clerk's Office

All of these persons devoted many hours of hard work to the goals of the Task Force, and as Chairman I would like to extend my heartfelt appreciation to them and their contribution of volunteer hours, expertise and dedication has resulted in recommendations which will enhance our community and alleviate the difficulties which home owners have been encountering with lot grading.

The Task Force on Lot Grading now proudly presents their recommendations to the Planning and Development Committee.

SKR:dbm

A.

FOR ACTION

FROM Mrs. Susan K. Reeder, Secretary DATE 1988 January 12

TO Task Force on Lot Grading Refer to File No. _____

Attention of _____

Your File No. _____

SUBJECT

Recommendations

RECOMMENDATION

1. (a) That City Council reconfirm and petition the Premier of Ontario to effect an amendment to The Ontario Building Code to control all retaining walls exceeding 1 metre in height; and

   (b) That the City of Hamilton's Property Standards By-law be amended to include the control of all retaining walls; and

   (c) That the City Solicitor be authorized and directed to prepare the amending By-law for Council's approval.

2. (a) The subdivider shall complete the grading for single and two family housing lots within 6 months of the insulation inspection approval by the Building Commissioner. If the 6 month period after the insulation inspection approval date falls after November 1st and before June 15 following, then the grading shall be completed by June 15 of the same year as the said June 15 falls.

   (b) Where the grading has not been completed to the satisfaction of the City at the required dates then the City shall take the appropriate action under Section 8 - "Grading of Lots" the City Subdivision Agreement.

   (c) The subdivider may supply the City with a certificate signed by a professional engineer as proof that the grading has been completed. The City, upon receipt of the above, may inspect the site and within 4 weeks of receipt of the certificate, release the subdivider of his obligations or reject the certificate.

(d) The owner of the given lot shall not be permitted to alter the grading of his lot, once completed to the satisfaction of the City. This section shall however, not prevent the owner from undertaking improvement to his lot as long as these do not interfere with adjacent drainage and grading. If an owner of a lot does alter his/her lot to the extent of interfering with the completion of the adjacent lot or lots, then, the City may do the work necessary on the contravening lot to permit adequate grading of adjacent lands and collect the cost from the owner of the contravening lot.

(e) Amend Section 8 - "Grading of Lots" - City Subdivision Agreement by adding "grading" to the required services.

3. That restrictive convenants be registered on title on all new homes requiring compliance with the Grading Plan, as amended.

Note: This registering on title will place the responsibility of maintaining the Grading Plan with the home owner.

Susan K. Reeder.

Susan K. Reeder, Secretary
Task Force on Lot Grading

BACKGROUND

On 1987 August 12th, the Planning and Development Committee established a Task Force on Lot Grading,

> "for the purpose of meeting to look for a mechanism that can be put in place to regulate and control the installation of retaining walls, ensure proper grading, etc."

Since that time, the Task Force has met on six occasions to discuss and make recommendations on matters pertaining to grading and retaining walls.

The Task force was composed of persons from a wide range of fields: engineers, representatives of the Hamilton and District Home Buildings Association, builders, lawyers, citizens, labour, contractor and many staff resource people.

As well, the Task Force also received and reviewed written submissions from the community on this issue.

It is the view of the Task Force that the recommendations being presented herewith to the Planning and Development Committee will hopefully resolve the difficulties which have been encountered by both the home building industry and the new home owners in the areas of lot grading and retaining walls.

B.

FOR INFORMATION

REPORT TO: Alderman J. Smith, Chairman and Members
Planning and Development Committee

FROM: Mrs. Susan K. Reeder, Acting Secretary
Planning and Development Committee

DATE: 1988 February 5th
COMM FILE:
DEPT FILE:

SUBJECT:

Delegation - Mr. Donald F. May, Planning Consultant, Niagara Escarpment Plan Amendment - Cochren Construction - Greenhill Avenue.

BACKGROUND

Mr. Donald May, Planning Consultant, has requested an opportunity to speak to the Planning and Development Committee on alternate proposals from his client, Cochren Construction, on the use of lands south of Greenhill Avenue.

For the information of the members of the Committee, I would advise that City Council at its meeting held 1988 January 12th approved the following resoultion with respect to this matter.

a) That the Hamilton-Wentworth Council be advised that the City of Hamilton does not support proposed Amendment No. 31 to the Niagara Escarpment Plan.

b) That the report of the Planning and Development Department dated 1987 November 24 be forwarded to the Hamilton-Wentworth Council as background information.

c) That a request be made to the Hamilton-Wentworth Council for the City of Hamilton to be involved if any approvals for development are considered.

NOTE: The Niagara Escarpment Commission has requested that comments on Cochren Construction's proposed amendment to the Niagara Escarpment Plan be sent to the Hamilton-Wentworth Region. The proposal involved a change from "Escarpment Natural Area" designation to "Urban Area" to permit residential development south of Greenhill Avenue. From the planning point of view the designation should remain part of the "Escarpment Natural Area" designation to preserve the escarpment in its natural state.

cc: Alderman R. Wheeler

FOR ACTION

FROM Planning and Development Department

DATE November 24, 1987

TO Planning and Development Committee

Refer To File No. P5-2-47

Attention Of V. J. Abraham

SUBJECT

Proposed Amendment No. 31 to the Niagara Escarpment Plan.

RECOMMENDATION

1. That the Hamilton-Wentworth Council be advised that the City of Hamilton does not support proposed Amendment No. 31 to the Niagara Escarpment Plan.

2. That this report be forwarded to Hamilton-Wentworth Council as background information.

3. That a request be made to Hamilton-Wentworth Council for the City of Hamilton to be involved if any approvals for development are considered.

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

EXPLANATORY NOTE

The Niagara Escarpment Commission has requested comments on Cochren Construction's proposed amendment to the Niagara Escarpment Plan to be sent to Hamilton-Wentworth Region. The proposal involves a change from "Escarpment Natural Area" designation to "Urban Area" to permit residential development south of Greenhill Avenue. From the planning point of view the designation should remain part of the 'Escarpment Natural Area' designation to preserve the escarpment in its natural state.

INTRODUCTION

On October 22, 1987 The Niagara Escarpment Commission circulated Proposed Amendment No. 31 to the Niagara Escarpment Plan to the City for comments. The purpose of the amendment is to redesignate a one hectare (2.6 acre) parcel of land on Greenhill Avenue from "Escarpment Natural Area" to "Urban Area" to permit a residential development (See Map 1).

BACKGROUND

On October 29, 1986 The Planning and Development Committee dealt with a development permit application for the same site. At that time the application consisted of only a portion of the Cochren Construction Limited Holdings. The applicant proposed eight single family lots located on the south side of Greenhill Avenue in the Gershome Neighbourhood. The balance of the property was proposed for parkland (See Map 2).

On November 11, 1986 City Council adopted the following resolution in response to the application:

1. That the Niagara Escarpment Commission be advised that the City of Hamilton does not support the application for a development permit for Cochren lands on Greenhill Avenue.

2. That the Niagara Escarpment Commission be advised that the City of Hamilton does not have the funds available to purchase the lands.

3. That the Niagara Escarpment Commission purchase the lands.

4. That if Items 1 and 3 above are not acceptable, then the application for the lots as proposed by the developer should be considered, subject to:

   a) i) a hydrological study of the proposed lots;

      ii) a satisfactory surface drainage plan;

      iii) a ground cover evaluation and tree plan;

      iv) a proposed site plan; and

      v) an environmental impact statement.

   b) That the City Official Plan designation for the property be amended from "Open Space" to "Residential" on Schedule "A" and be deleted from Special Policy Area 1A on Schedule "B".

c) That the Neighbourhood Plan be amended from "Open Space" to "Residential".

The basis for the foregoing resolution was identified in the Planning and Development Department's report, dated October 10, 1986 which stated that the subject lands should remain as open space in accordance with the Niagara Escarpment Planning and Development Act 1973, Regional and City Official Plans and the Gershome Neighbourhood Plan.

The Niagara Escarpment Commission refused the Development Permit application. The applicant appealed to the Minister of Municipal Affairs. However, the applicant withdrew the appeal at the commencement of the hearing on February 4, 1987.

On August 27, 1987 the applicant applied to the Niagara Escarpment Commission for the proposed amendment. However, the application affects both the area where the eight lots were proposed and lands which were proposed for open space but owned by Cochren Construction (see Map 2).

CONCLUSION

Given Council's previous resolution on this matter, it is concluded that proposed amendment No. 31 should not be supported.

If development is supported on this property it should apply only to the area for which lots are appropriate. In addition, the following work should be prepared prior to approval of the amendment:

i) hydrological study of the proposed lots;

ii) a satisfactory surface drainage plan;

iii) a ground cover evaluations and tree plan;

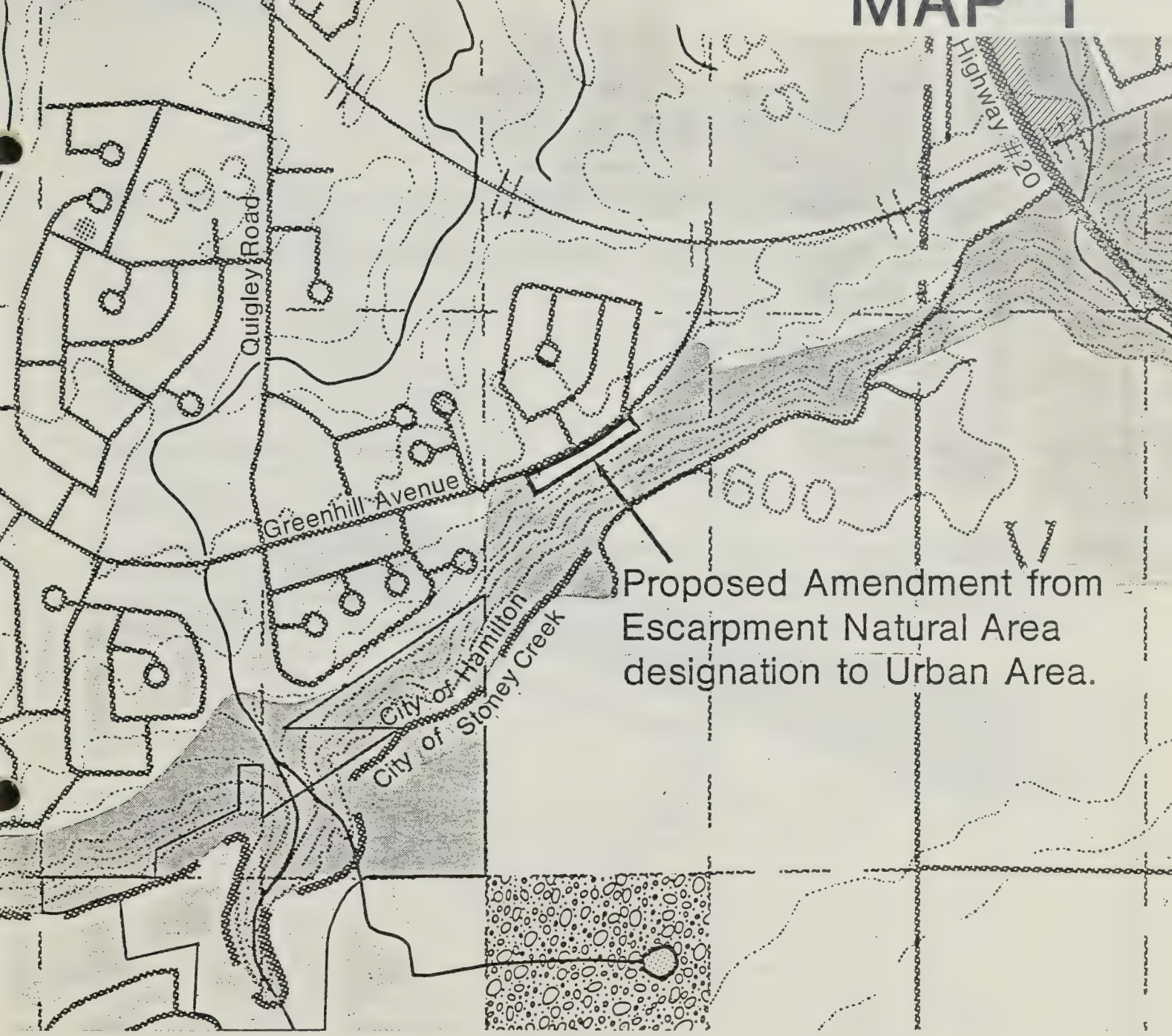
iv) a proposed site plan;

v) an environmental impact statement.

The Official Plan for the City and the Neighbourhood Plan would have to be brought into conformity with the Niagara Escarpment Plan if residential development were to be permitted.

G.G.:nd

W.P. DOC. 0060P



SCHEDULE A

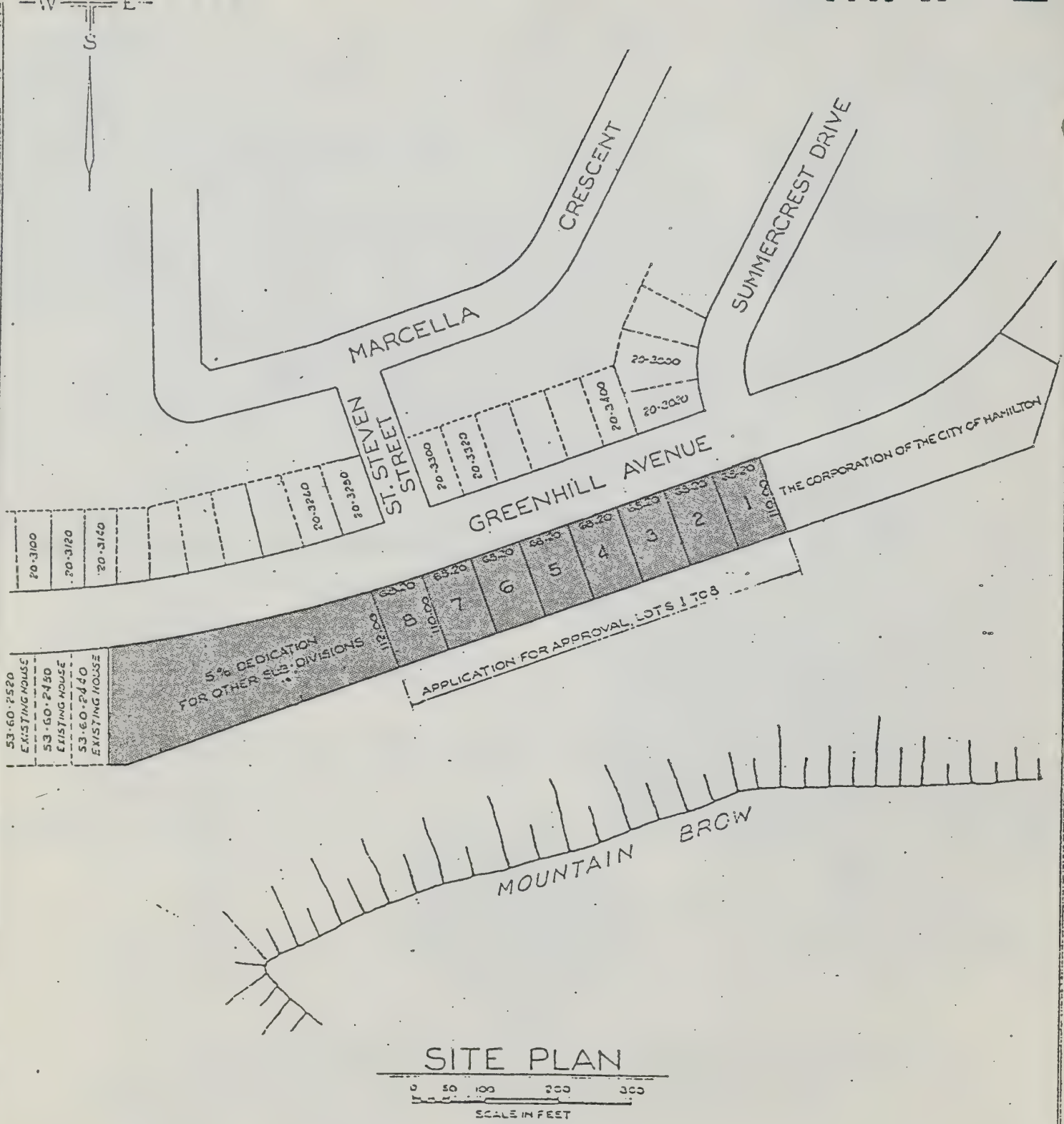
MAP SHOWING PROPOSED AMENDMENT NO. 31

LEGEND

Escarpment Natural Area		Urban Area	
Escarpment Protection Area		Escarpment Recreation Area	
Escarpment Rural Area		Mineral Resource Extraction Area	
Minor Urban Centre		Public Land (in Parks System)	

SCALE 1 : 50,000

METRES 1000 500 0 1000 2000 3000



SITE PLAN

0 50 100 200 300

SCALE IN FEET

COCHREN CONSTRUCTION

3.

FOR INFORMATION

FROM: Mr. Paul Kuppe, Building Commissioner **DATE:** January 19th, 1988

TO: Planning and Development Committee **Refer to File No.** _____

Attention of: Brian D. Allick

Your File No. _____

SUBJECT:

Designated Area Enforcement

BACKGROUND:

In response to Alderman Kiss' concerns regarding the policy regarding a neighbour complaining whereby abutting properties are also inspected. I enclose for the information of the Committee, a report which was approved by the Planning and Development Committee, dated September 12th, 1984.

THE CORPORATION OF THE CITY OF HAMILTON

FROM Sub-Committee, Derelict Buildings DATE September 5th, 1984

FOR ACTION X FOR INFORMATION ___ FILE NO._____

TO: CITY COUNCIL ___ (OR) Planning and Development Committee

SUBJECT:

Investigation in response to Section 12 of the 19th Report of the Planning and Development Committee adopted by City Council on September 27th, 1983, to determine the impact and make recommendations for policy changes.

RECOMMENDATION

Brian Hinkley

1. When a tax arrears certificate is registered on title, an inspection of the building be carried out by a Property Standards Officer to determine if occupied and/or suitable for occupancy, and a report be prepared.

2. After the one year redemption period, a re-inspection and a recommendation be made for rehabilitation, demolition, or be sold with registered orders or a certificate of compliance as part of sale documents.

3. Derelict building without a tax arrears certificate issued on them, and without response to notices and orders, a recommendation be submitted by Property Standards Officers as to securing, legal action, rehabilitation, or demolition, to the Planning and Development Committee for a decision.

4. Designated area enforcement be confined to the properties abutting the property of complaint.

cont'd....

5. To conduct a survey to identify buildings which appear to be in a derelict condition during the neighbourhood planning, secondary planning and community improvement planning process.

6. Where derelict buildings become the property of the City through property tax default, the following procedure should be implemented:

   Residential tenants, if any, should be relocated to suitable public or private accomodation.

7. The City of Hamilton should request the Province of Ontario to amend Bill 102 as it pertains to property taxation so that municipal expenditures to render property safe and/or seal buildings could be collected "as taxes" and not "in a like manner as taxes".

8. Disband the Task Force on Derelict Buildings.

BACKGROUND

See attached.

BACKGROUND:

It is the concensus of this Sub-Committee, that improvements can be made in almost all buildings if forceful action is taken with:

a) Buildings that do not comply with the By-Laws of the City and have tax certificates issued.

b) Buildings that are derelict because owners seem not to take responsibility to secure or demolish them.

Funds must be expended even if returns are not foreseeable through the tax collection system.

These derelict buildings cost money in time, with the complaint process and emergency action by Police and Fire Departments, also social problems.

Rentable or even vacant properties well secured, cost less to maintain than abandoned buildings that have to be dealt with by all Departments at some time during a year.

The complaints referred to are a very small percentage of the complaints received.

Through the co-operation of all Departments, it is now found the majority of complaints are cleared up when the owners are notified of the violations and a dialogue takes place.
For example, in 1983, 521 complaints were referred to the Property Standards Officers, and some form of Property Standards action was taken. 523 files were closed as complied with.

Of these numbers, only 6 required court action, 2 where the City carried out the repairs and 10 buildings were demolished.

It would seem the policy of firm persuasion is successful in other than buildings in (a) & (b) above, which are for all intent and purposes, are abandoned by the owner.

cont'd....

Further explanations to the recommendations:

1. WHEN A TAX CERTIFICATE IS REGISTERED ON TITLE:

a) An inspection of the building be carried out by a Property Standards Officer, to determine if the subject property is:

(i) Occupied (ii) Suitable for Occupancy

Present policy is that Real Estate Department only inspects at this time.

b) If suitable for occupancy:

The Real Estate Department in conjunction with the Property Standards Inspector, submit a report to the Planning and Development Committee, indicating the costs involved to meet the standards and possible uses of properties.

c) If not suitable for occupancy:

The Real Estate Department in conjunction with the Property Standards Inspector, submit a report to the Planning and Development Committee, indicating why the building is not economically viable to rehabilitate to the standards required by the Property Standards By-Law.

d) If not viable, a recommendation to the Planning and Development Committee:

1) how the building should be secured

2) Approximate costs to secure and maintain the exterior to reduce complaints.

3) Property Standards enforcement be commenced and Notices and Orders issued as necessary for the complete property.

4) Register Order on title.

EXPLANATION:

A tax certificate is registered on title when a 3 year period of non-payment of taxes has taken place. It is then the perogative of the Treasury Department to register a tax certificate on the title of the property.

cont'd....

The following one year redemption period is mandatory under Provincial Legislation, and during this year of redemption, the City has the power only to maintain and insure the said property.

Because of these restrictions, our recommendation is to determine:

i) if the building is occupied.

ii) if it is suitable for occupancy.

iii) that estimates be prepared for the costs to repair the building to comply with the Property Standards By-Law.

The present situation is that the Real Estate Department only inspects in this first year period and usually the building remains in its existing condition. The building may be viable to be used and with this information, a decision could be made.

If it is determined that it is not suitable for occupancy, then the report submitted would indicate that the building is not viable to rehabilitate to the standards required by the By-Law, or that the building is recommended to be secured and left vacant for the remainder of the redemption year.

2. AFTER ONE YEAR REDEMPTION PERIOD IS PASSED:

a) Treasurer determine if needed for municipal purposes and pass necessary By-Laws.

b) If not required for municipal purposes:

A report be submitted to the Planning and Development Committee by the Real Estate Department and the Property Standards Inspector, indicating the condition of the building at this time, and a recommendation be made as to whether the building should be:

a) Rehabilitated

b) Demolished

c) Sold with registered orders or a certificate of compliance as part of the sale documents.

EXPLANATION:

The actions of the Municipality are again controlled by Provincial Legislation and the procedure is that the Treasury Department, if the property is needed for municipal purposes, passes the necessary by-law.

cont'd....

If the property is not required for Municipal purposes, after being notified by the Treasurer, the Building Department and the Real Estate Department recommend as to viability for rehabilitation, or whether the building should be demolished, or sold with any Orders under the Property Standards By-Law registered on title, as part of the sale documents, for a final disposition of the building.

3. BUILDINGS THAT ARE DERELICT BECAUSE OWNERS SEEM NOT TO TAKE RESPONSIBILITY TO REPAIR, SECURE OR DEMOLISH THEM

a) Have buildings that are open to trespass secured by the Fire Prevention Bureau, as soon as possible.

b) Proceed with issuance of Notices, Orders and obtain a binding Order as soon as possible, under the Property Standards By-Law.

c) Secure buildings by substantial methods to inhibit vandalism and trespass.

EXPLANATION:

Well secured buildings cost less to maintain than abandoned buildings, as they inhibit trespass and therefore vandalism and arson, and reduce health problems, and therefore the complaints and the response by all Departments.

4. DESIGNATED AREA ENFORCEMENT:

Including abutting property only in enforcement, would encourage the exterior up-grading of the street scape and promote repairs, painting, etc., without the appearance of downgrading a neighbourhood, but would also give the Property Standards Officer a practical guideline rather than ignoring a glaring violation next to a property which he is serving notice and for which he does not have a complaint.

5. EXPLANATION FOR RECOMMENDATION #5

The City considers derelict buildings to be an important problem, which requires a planning solution. It is therefore, recommended that during the neighbourhood planning, secondary planning, and community improvement planning processes a survey be conducted to identify all buildings which appear to be in a derelict condition or approaching derelictions. It is felt that early detection of blight will prevent further deterioration of buildings and neighbourhoods. It is important to be able to identify areas most prone to suffer from deterioration.

cont'd....

6. EXPLANATION FOR RECOMMENDATION #6

Where residents are displaced as a result of a derelict building becoming the property of the City through tax default, it is also recommended that the City provide assistance to those tenants displaced as a result of their accomodations being sealed off or demolished. The City has a moral obligation to ensure that all residents are adequately housed. Since the City has taken the initiative to seal off or demolish derelict buildings, the City should, therefore, through the appropriate social agencies, seek alternative housing for tenants.

7. EXPLANATION FOR RECOMMENDATION #7

The City under existing legislation, has no means of ensuring that miscellaneous expenses used to maintain or secure a derelict building is recoverable. It is therefore further recommended, that the City of Hamilton request the Province of Ontario to amend the Municipal Sales Tax Act, presently before the Legislature, to permit the City to recover municipal expenditures necessary to maintain or seal off a derelict building in the form of "taxes" and not "in a like manner as taxes."

This amendment would ensure that the City is in a position to recover the charges since the payment of tax arrears overrides all other financial claims on a property.

MEMORANDUM • CITY OF HAMILTON

4a.

TO : Alderman J. Smith, Chairman
and Members
Planning & Development Committee

YOUR FILE:

FROM : Mrs. Susan K. Reeder
Acting Secretary

OUR FILE :

SUBJECT : **St. Elizabeth Building**
74 Charlton Avenue East

DATE 1988 January 27

On Wednesday, 1987 November 11th, the Planning and Development received correspondence forwarded by the Mayor from the Minister of Municipal Affairs respecting the above noted matter. A copy of the Minister's response, dated 1987 September 23rd, is herewith attached.

Planning and Development agreed to refer this matter to L.A.C.A.C. for a report back on recommendations of how the City could pursue this matter.

L.A.C.A.C., at their meeting held 1988 January 25th reviewed this matter. A report from L.A.C.A.C. is herewith attached.

Susan K. Reeder

SKR:dbm
Attch's.

cc. Council Members
Mrs. Susan Reeder, Secretary - Planning and Development Committee
Laurie Peddle, Secretary - LACAC Committee

OCT 7 1987

Ontario

Office of the Minister

Bureau du ministre

Ministry of Municipal Affairs

Ministère des Affaires municipales

17th floor
777 Bay Street
Toronto, Ontario
M5G 2E5
(416)585-7000

777, rue Bay
17e étage
Toronto (Ontario)
M5G 2E5
(416)585-7000

September 23, 1987

His Worship
Mayor Robert M. Morrow
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mayor Morrow:

Thank you for your letter of August 17, 1987 expressing Council's concern over my decision on a Niagara Escarpment Commission development permit appeal regarding the demolition of a building at 74 Charlton Avenue East.

The Niagara Escarpment Planning and Development Act states that the decision of the Minister is final, however it was my intention, as stated in the decision, not to prejudice another application for this building. As you know, it is my hope that a thorough investigation will be made by all parties including the developer, the Ministry of Citizenship and Culture, the City and the Hamilton LACAC, of the possibility of preserving this heritage building as recommended by the hearing officer.

I respectfully suggest that the City consider taking a lead role in this investigation. If your staff have any questions or comments please contact Mr. John Waller of my Ministry at 585-6068.

Yours sincerely,

Bernard Grandmaître
Minister

To P.T.D. Lacac

FOR INFORMATION

FROM LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE **DATE** 1988, January 26

TO PLANNING AND DEVELOPMENT COMMITTEE **Refer To File No.** _____

Attention Of _____

Your File No. _____

SUBJECT

74 Charlton Avenue East

BACKGROUND

Correspondence between City Council, the Mayor's Office, and the Minister of Municipal Affairs respecting the demolition of a building located at 74 Charlton Avenue East was forwarded to LACAC for comment.

LACAC reiterates its position that the building at 74 Charlton Avenue East should not be demolished.

The building is currently "listed" on LACAC'S inventory of architecturally and historically significant buildings.

LACAC would point out that the Minister has stated:

> "...it is my hope that a thorough investigation will be made by all parties including the developer, the Ministry of Citizenship and Culture, the City and the Hamilton LACAC, of the possibility of preserving this heritage building as recommended by the hearing officer."

If it is the wish of the Planning and Development Committee, and in light of the Minister's suggestion, LACAC is prepared to designate this property.

L. Peddle

Mrs. L. Peddle, Secretary
Local Architectural Conservation
Advisory Committee

LP:mec

cc: *Mrs. D. Dent, Chairman*
Mr. V. Abraham, Director of Local Planning
Mrs. N. Chapple, Planning Department

STATUS REPORT

4 b.

FROM Planning and Development Department

DATE January 20, 1988

TO Planning and Development Committee

Refer to File No. DA-85-38

Attention Of V. J. Abraham

SUBJECT

The status of the Site Plan Control Application DA-85-38 for the re-development of the lands at the south-east corner of John Street South and Charlton Avenue East.

August 17, 1987 - Letter to the Minister of Municipal Affairs from Mayor Robert M. Morrow requesting a review of the decision by the Niagara Escarpment Commission with respect to the demolition permit application for 74 Charlton Avenue East.

June 30, 1987 - Notification to the Agent, Mr. Julian Gaspar, from the Planning and Development Department that Site Plan Control Application DA-85-38 had been closed due to the decision of the Minister of Municipal Affairs in regard to the development permit.

June 2, 1987 - The Minister of Municipal Affairs directs the Niagara Escarpment Commission not to issue a development permit on Application W/R/85-6/368, but to issue development permit applications W/R/85-6/369 and W/P/86-7/42, subject to certain conditions.

October 28, 1986 - City Council adopted the resolution put forward by the Planning and Development Committee to forward the approved Site Plan Control Appliction DA-85-38 to the Niagara Escarpment Commission.

October 23, 1986 - Notification to the Niagara Escarpment Commission from the office of the City Clerk, Corporation of the City of Hamilton, of the Planning and Development Committee's resolution regarding the above-noted site plan control application at its meeting of October 15, 1986.

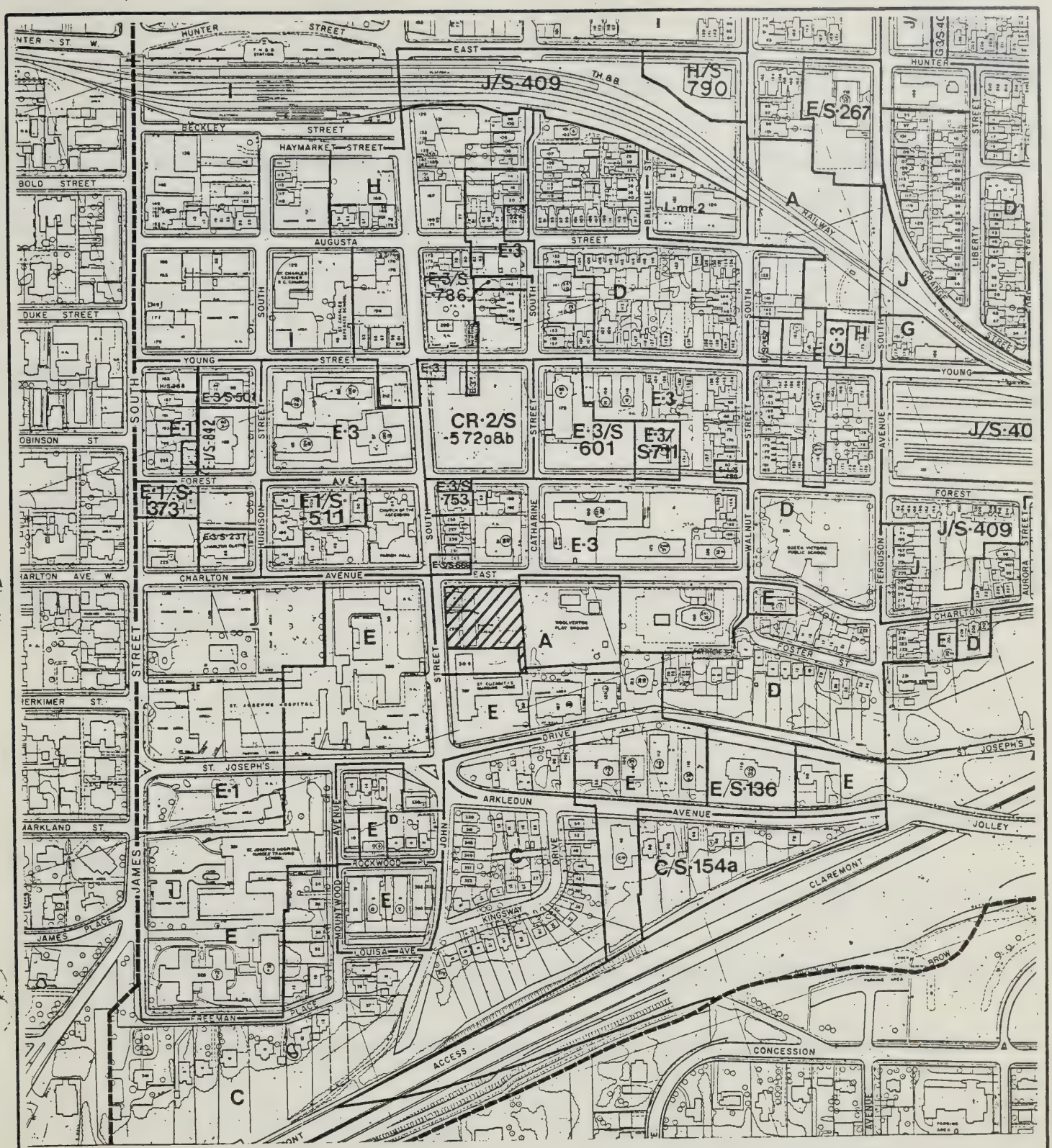
October 15, 1986 - Planning and Development Committee approved Site Plan Control Application DA-85-38, subject to certain conditions. (Existing structure at 74 Charlton Avenue East would be demolished.)

February 18, 1986 - Request to the Chairman and Members of the City of Hamilton Local Architectural Conservation Advisory Committee to investigate and advise on the development proposal for the above-noted Site Plan Control Application from the Planning and Development Department.

July 8, 1985 - Application for Site Plan Control Agreement for the above-noted property received by the Planning and Development Department.

October 2, 1984 - Request from the Niagara Escarpment Commission to the City of Hamilton to review and comment on Development Permit No. 1156/W/P/80/229.

VJA:JM:cab.



CORKTOWN NEIGHBOURHOOD No. 31

PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL APPLICATION DA-85-38

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

SITE OF THE APPLICATION

North	Scale	Reference File No.
	1 : 5000	DA-85-38
	Date	Drawing No.
	July 1985	85-H-101

5.

FOR ACTION

FROM *L.A.C.A.C.* **DATE** *1988 February 2nd*

TO *Planning & Development Committee* **Refer To File No.** _____

Attention Of _____

Your File No. _____

SUBJECT

Thomas B. McQueston High Level Bridge - Paint Colour Analysis

RECOMMENDATION

That the substructure of the Thomas B. McQueston High Level Bridge be repainted the original colour which has been identified as "olive fog" (grey-green).

Mrs. Lori Peddle, Secretary
L.A.C.A.C

BACKGROUND

The recommendation was made by the consultant responsible for the paint colour analysis (see attached report).

The colour reference chart may be viewed in the Planning Department and will be available at the meeting.

LACAC approved this recommendation at its meeting held 1988 January 22nd.

LP/lp

cc: *Mrs. D. Dent, Chairman*
Mr. V. Abraham, Director of Local Planning
Mrs. N. Chapple, Planning Department

INTRODUCTION:

Built in 1931 the High Level Bridge in Hamilton presently under restoration dominates the north western entrance to the city of Hamilton. Designed by the Architect John Lyle and submitted to the Hamilton Board of Park Management in an open competition in 1927 his design entry placed 3rd . The Parks Board retained the right to amalgamate the best features of the proposals to ensure that the entrance to the city was " the most beautiful in America" Lyle was retained "as the consulting architect responsible for the architectural features throughout."1

The design concept was very much in keeping with the bridges natural surrounding and paid particular attention to ability of the bridge to compliment the given environment. What may seem to be a rather insignificant detail such as the paint colours of the substructure was, in fact, probably a painstaking and calculated decision.

OBJECTIVE:

The objective of this study was to determine the original colours for the High Level Bridge substructure using the structure as the document.

METHODOLOGY:

Approximately 20 samples were examined to determine the first layer of paint and to determine whether the original colour scheme was uniform, if in fact, it was. The colour samples were taken from the substructure from different locations along the northern section of the supports. This area was examined as it was accessible. For the purpose of this study it was assumed that the paint colour(s) were symmetrical therefore what was discovered on one side would reflect the colours used on the other. Samples consisted of areas tested in situ and paint chips that were taken away to examine more thoroughly in a controlled environment. All samples removed for examination included part of the substrate to ensure that all colours would be identified.

In situ tests were completed by: 1. Sanding and scrapping away the top layers of paint to reveal the colours beneath; 2. Paint stripper was used on a few samples, again, as a method of determining the original colour scheme. The paint stripper used is designed to remove paint layer be layer. As an only means of testing samples it would be inadequate as its ability to remove layer by layer is dependant on the paint composition. This method, however, is excellent to clear a large area of the later layers to reveal the original colour and to determine the colour match.

Samples that were taken from the site and examined were tested

using: 1. Paint stripper ; 2. Sand paper technique; 3. spiced and set under a microscope. In performing all methods of testing colours can more accurately matched.

Results from the tests are documented on the following chart.

COLOUR REFERENCE CHART — HIGH LEVEL BRIDGE, HAMILTON

LAYER NO.	MUNSELL	OTHER
1	Substrate Metal	
2	Metal sealer and primer coat	
3	2.5GY 5/2	PRATT & LAMBERT GY 567 M OLIVE FOG
4	5B 4/4	PRATT & LAMBERT B 796 A LAVA II
5	5Y 6/1	PRATT & LAMBERT Y 399 P SILVER MINK II
6	5 YR 3/6	PARA PAINTS 90-26B CHESTNUT BROWN
7	10GY 8/4	PRATT & LAMBERT G 580 A SPINACH III
8	2.5 G 4/6	PARA PAINTS 39-15M FAY GREEN
9	10 GY 5/4	PARA PAINTS 56-4U TYROLEAN GREEN

GENERAL OBSERVATIONS:

- The steel was conditioned and primed prior to the first application of paint this has been noted in the Colour Reference Chart.

- In general the surface of the paint between layers was in relatively good condition with the exception of layer no. 6 which is not consistent and appears to be a steel primer coat. Therefore layer no. 5 which was a thick coat may have been exposed the longest permitting the surface to seriously deteriorate and begin the process of rusting. Prior to the application of the next coat of paint (no. 7) the Bridge went through extensive preparation , i.e. scrapping and sanding, an application of a metal primer coat (no.6) in areas as required and then the next layer of paint was applied. The area of repair was fairly extensive as the primer metal coat of paint appears in approximately 60% of the samples.

RECOMMENDATIONS/COMMENTS:

That the High Level Bridge be painted its original colour given that it would have been part of the original concept .

That the paint products used are compatible with each other.

That the Bridge surface to be repainted be prepared according to an approved specification by the City of Hamilton.

For your information the use of the book: PAINT HANDBOOK by Guy E. Weismantel would be invaluable as a reference if you don't already have a copy you should consider either getting one or, as it is an expensive purchase, perhaps your library will have a copy.

1 Hunt, Geoffery - John M. Lyle, Agnes Etherington Art Center Queen's University, Kingston, Ontario Canada, 1982.

THE CORPORATION OF THE CITY OF HAMILTON

City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

6.

1988 January 20

REFERRED TO P. & D
FROM CITY COUNCIL -
1988 JANUARY 25

Members
City Council

Re: By-Law Number 87-351
1088 Main Street West

I have received the following objections to the above-mentioned By-Law from:

(a) **Malcolm C. Cline** of 34 Cline Avenue South, Hamilton, Ontario, received on January 7, 1988.

(b) **Anthony J.B. Powell,** Solicitor, of 149 Main Street East, Hamilton, Ontario, on behalf of **Sonan Developments Ltd.,** received January 11, 1988.

(c) **Elizabeth Currier** of 169 Arkell Street, Hamilton, Ontario, received on January 12, 1988.

(d) **William R. Browning** of 175 Arkell Street, Hamilton, Ontario, received on January 12, 1988.

(e) **Florence Stewart** of 171 Arkell Street, Hamilton, Ontario, received on January 12, 1988.

(f) **Hazel Ambis** of 179 Arkell Street, Hamilton, Ontario, received on January 12, 1988.

(g) **Kare-Morr Travel Agency** of 1070 Main Street West, Hamilton, Ontario, received on January 12, 1988.

(h) **The Squire Barber Shop** of 1070 Main Street West, Hamilton, Ontario, received on January 12, 1988.

(i) **Provincial Chapter of Ontario IODE** of 1070 Main Street West, Hamilton, Ontario received on January 12, 1988.

(j) **Frank Schroeder** for **Telefon Corporation** of 1070 Main Street West, Hamilton, Ontario, received on january 12, 1988.

(k) **Lynn G.C. Hayden** of **Hayden Insurance Brokers Ltd.** of 1070 Main Street West, Hamilton, Ontario, received on January 12, 1988.

I am attaching the following:

1. Copy of the By-Law.

2. Copy of the Explanatory Note.

3. Copy of the objections.

I propose to ask Council to deal with these objections at its meeting to be held 1988 January 26.

E.A. Simpson
City Clerk

SMG/jc

Attachments

cc: Mr. V. Abraham, Director of Development, Planning Department
Mr. P. Hooker, City Solicitor's Department
Mr. L. Sage, Chief Administrative Officer
Mrs. R. Morrison, Secretary to the City Clerk

Bill No. D-159

The Corporation of the City of Hamilton

BY-LAW NO. 87- 351

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 1088 MAIN STREET WEST

WHEREAS it is intended to establish a special requirement under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under The Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "G" (Neighbourhood Shopping Centre, etc.) district provisions applicable to the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirement that,

   (a) clause (f) of paragraph 4 of TABLE 1 of section 18A of By-law No. 6593 shall not apply to a restaurant.

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "G" district provisions, subject to the special requirement referred to in section 1.

3. By-law No. 6593 is amended by adding this by-law to section 19B as "S-1041".

4. Sheet No. W-33 of the District Maps is amended by marking the land referred to in section 1 of this by-law, "S-1041".

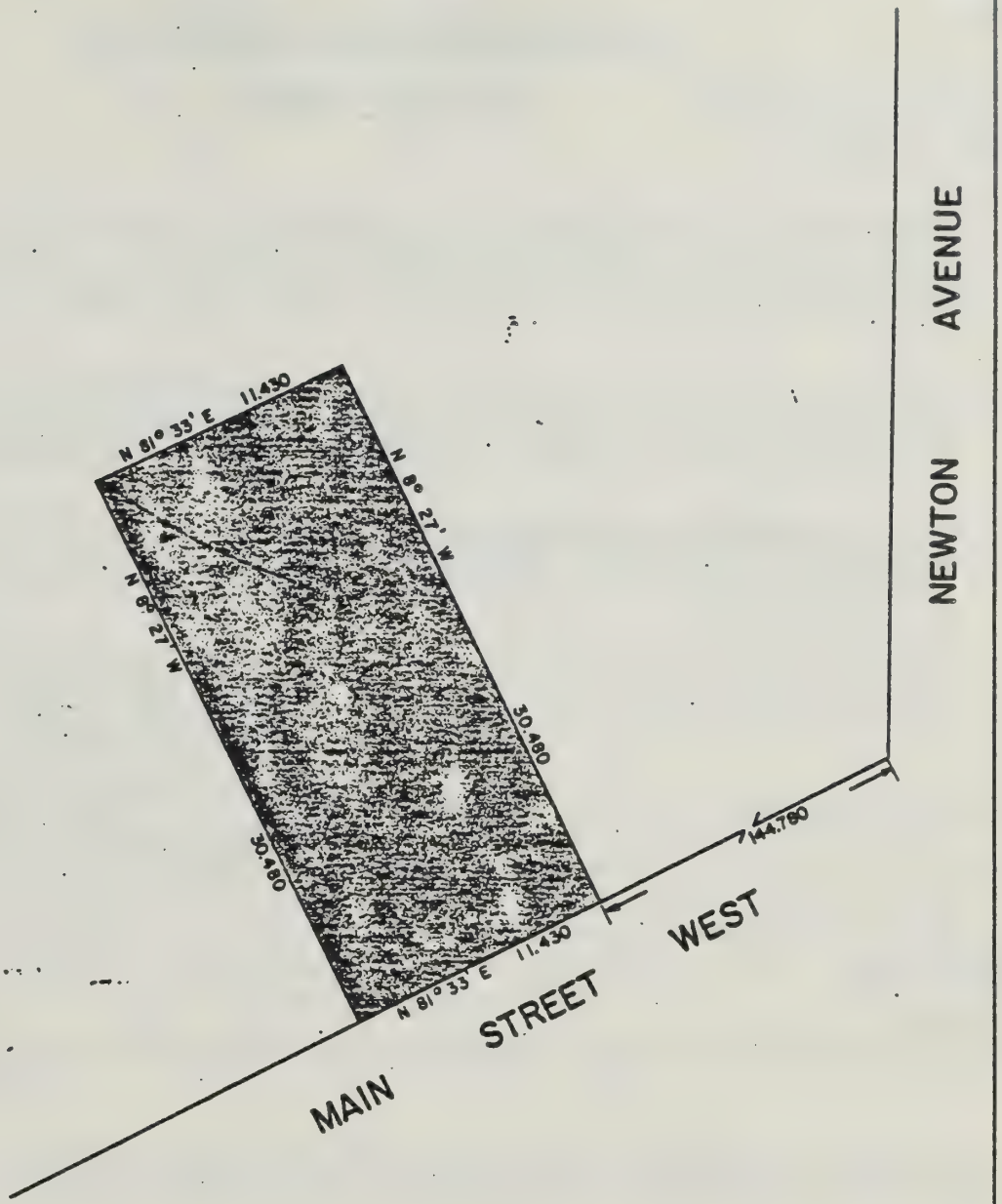
5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with The Planning Act, 1983.

PASSED this 8th day of December, 1987.

City Clerk

Mayor

(1987) 17 R.P.D.C. 1B, Sept. 29
543003 Ontario Limited, Owner
ZA-87-63



NOTE: ALL DIMENSIONS ARE IN METRES.

THIS IS SCHEDULE 'A' TO BY-LAW 87-351
PASSED THE 8th DAY OF December, 1987

Clerk

Mayor

CITY OF HAMILTON
SCHEDULE 'A'
MAP FORMING PART OF
BY-LAW Nº 87-351
TO AMEND BY-LAW Nº 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

LANDS TO BE REGULATED BY BY-LAW Nº87-

North	Scale	Reference File No.
	NTS	ZA87-63
	Date	Drawing. No.
	OCTOBER 1987	

EXPLANATION OF PURPOSE AND EFFECT OF

BY-LAW NO. 87-351

1. The purpose of this By-law is to provide for a modification to the established "G" (Neighbourhood Shopping Centre, etc.) District regulations applicable to property located at No. 1088 Main Street West

   The effect of the By-law is to exempt the restaurant from providing on-site parking, whereas on-site parking would be required on the basis of one parking space for every six persons lawfully accommodated.

2. Only the property referred to above and shown on the attached map is affected by the By-law. However, all owners of property located within 120 metres (400 ft.) of the property affected by the By-law are required to be notified.

E. A. Simpson

City Clerk
City Hall, Hamilton, Ontario

AZ:jd
WPDOC 0447P
ZA-87-63

Copy sent to: V. Abraham - Planning
P. Hooker. Solicitor
January 7/88 lg

Rec. Thurs. Jan 7/88
2:00 PM

34 Cline Ave.South,
Hamilton, Ont. L8S 1W7
January 7, 1988

Chairman and Members,
Ontario Municipal Board

APPEAL WITH RESPECT TO BY-LAW 87-351

This by-law was passed by the Council upon the recommendation of the Planning & Development Committee, following a public meeting held on Wednesday, September 16,1987.

(#1) The existing restaurant and outdoor patio has a seating capacity of 45 persons,which generates a need for a minimum of eight Off-street parking spaces. At present no off-street spaces are provided. The proposed building addition will increase the seating capacity to 95 persons which will generate a need for a minimum of 16 off-street parking spaces,which cannot be provided on site. The proposal represents an over intensification of land use

Accordingly the Planning Dept.recommends against granting the required approval.

(#2) We cannot however support any modifications to the zoning which would allow for an expansion of the existing operation without the provision of the full parking requirements (as per the zoning by-law)

In summary "we cannot support either a change in the parking requirement or an increase in the existing seating capacity without the full provision of the required parking"

Accordingly the Traffic Department recommends against granting the required approval.

PLEASE SEE ATTACHED DEPARTMENTAL REPORTS!

As a former member of City Council, I could recognize (as could all of those present) that the meeting was "stacked" and all members had been lobbied to support the application, despite a petition against signed by 147 neighbours.

A friend of the applicant, a TV Channel 11 reporter Dwight ryan spoke in favour of the applicant;and the politicians quickly made up their minds in favour of the application

This appeal to the Ontario Municipal Board,if it sees fit to deny the application will renew the residents' faith in the fairness of the appeal process.

Yours very truly,
Malcolm C. Cline

Form 1

Planning Act, 1983

NOTICE OF THE PASSING OF A ZONING BY-LAW BY THE CORPORATION OF THE CITY OF HAMILTON

TAKE NOTICE that the Council of the Corporation of the City of Hamilton passed By-law No. 87-351 on the 8th day of December 19 87 under section 34 of the Planning Act, 1983.

AND TAKE NOTICE that any person or agency may appeal to the Ontario Municipal Board in respect of the by-law by filing with the Clerk of the Corporation of the City of Hamilton, not later than the 12th day of January, 19 88 a notice of appeal setting out the objection to the by-law and the reasons in support of the objection.

An explanation of the purpose and effect of the by-law, describing the lands to which the by-law applies, and a key map showing the location of the lands to which the by-law applies (or, alternatively, an explanation as to why a key map is not provided) are attached. The complete by-law is available for inspection in my office during regular office hours.

DATED at the City of Hamilton

this 23rd day of December 19 87.

E. A. Leighton

City Clerk
City Hall, Hamilton, Ontario

EXPLANATION OF PURPOSE AND EFFECT OF

BY-LAW NO. 87-351

1. The purpose of this By-law is to provide for a modification to the established "G" (Neighbourhood Shopping Centre, etc.) District regulations applicable to property located at No. 1088 Main Street West, as shown on the attached key map.

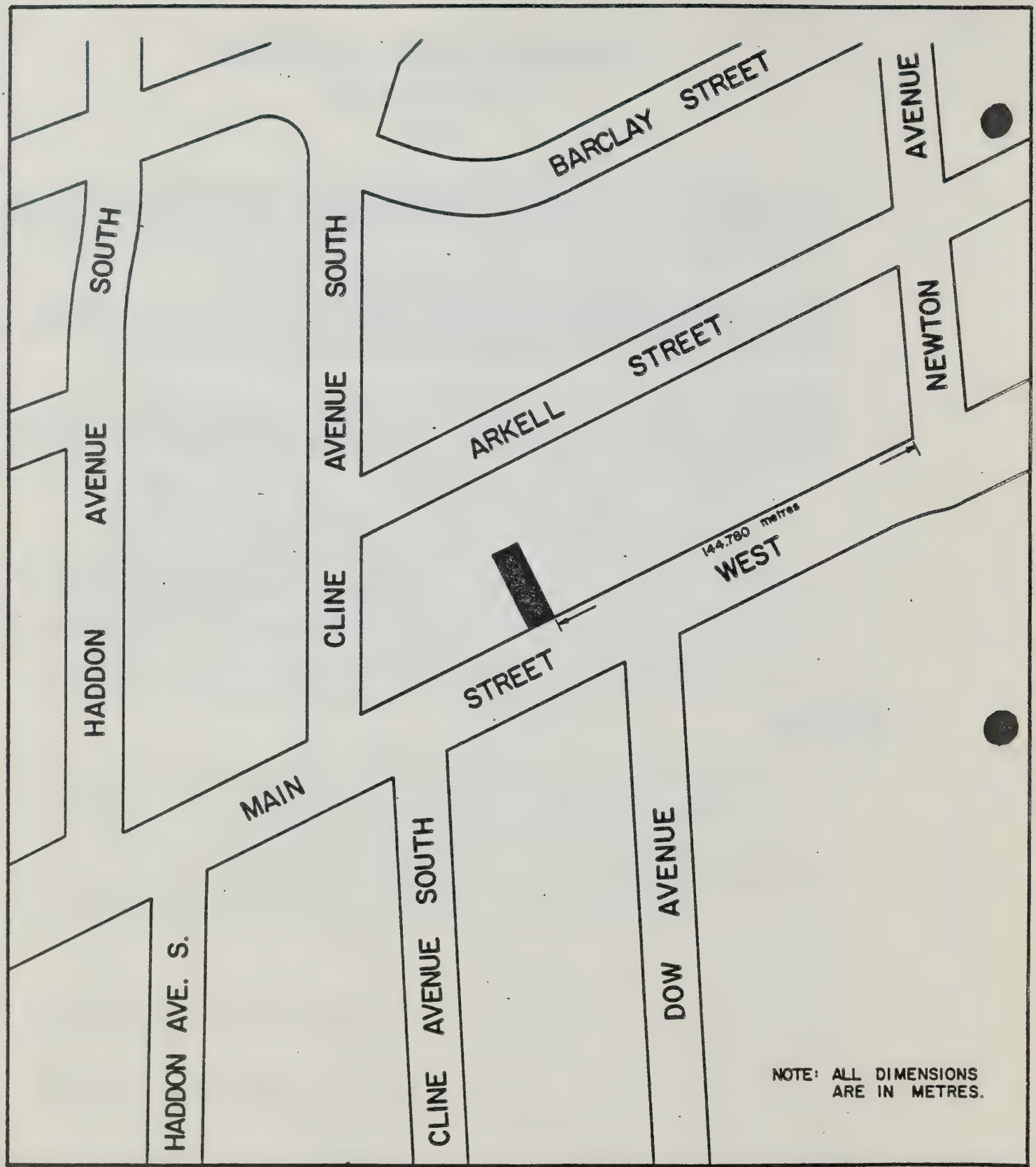
   The effect of the By-law is to exempt the restaurant from providing on-site parking, whereas on-site parking would be required on the basis of one parking space for every six persons lawfully accommodated.

2. Only the property referred to above and shown on the attached map is affected by the By-law. However, all owners of property located within 120 metres (400 ft.) of the property affected by the By-law are required to be notified.

E. A. Simpson

City Clerk
City Hall, Hamilton, Ontario

AZ:jd
WPDOC 0447P
ZA-87-63



CITY OF HAMILTON

KEY MAP

TO BY-LAW Nº 87-351.

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

LANDS TO BE REGULATED BY BY-LAW Nº 87-351.

North	Scale	Reference File No.
	NTS	ZA87-63
	Date	Drawing No.
	OCTOBER 1987	

FOR ACTION

FROM Planning and Development Department DATE August 26, 1987

TO Planning and Development Committee Refer To File No. ZA-87-63

Westdale South Neighbourhood

Attention Of V. J. Abraham

SUBJECT

Request for a modification to the established "G" (Neighbourhood Shopping Centre, etc.) District regulations applicable to property located at No. 1088 Main Street West. The purpose of the application is to permit an addition to the rear of the building occupied by Perri's Road House Restaurant to accommodate a new kitchen and additional dining area, notwithstanding that parking facilities are not being provided. In addition, the applicant proposes to have live entertainment, notwithstanding that the "G" Zoning District prohibits live entertainment.

RECOMMENDATION

1. The Zoning Application 87-63, 543003 Ontario Limited, owner, requesting a modification to the established "G" (Neighbourhood Shopping Centre, etc.) District regulations applicable to property located at No. 1088 Main Street West, as shown on the attached map marked as APPENDIX "A" be denied as submitted for the following reasons:

   a) The existing restaurant and outdoor patio has a seating capacity of 45 persons, which generates a need for a minimum of eight off-street parking spaces. At present, no off-street parking spaces are provided. The proposed building addition will increase the seating capacity of the building to approximately 95 persons, which would generate a need for a minimum of 16 off-street parking spaces, which cannot be provided on site. The proposal is likely to create conflicts with surrounding property owners, should problems related to overflow parking onto neighbouring streets occur.

   b) The proposal represents an overintensification of land use.

2. That approval be given to an amended Zoning Application 87-63, 543003 Ontario Limited, owner, for a modification to the established "G" (Neighbourhood Shopping Centre, etc.) District regulations applicable to property located at No. 1088 Main Street West, as shown on the attached map marked as APPENDIX "A" on the following basis:

   i) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations as contained in Section 13 of Zoning By-Law No. 6593 applicable to the subject lands be modified to include the following variance as a special requirement:

      1. Notwithstanding the provision of Section 13.(i)(vii) of By-Law No. 6593, a musical entertainer shall be permitted to perform within the existing restaurant.

   ii) That the amending By-Law be added to Section 19B of Zoning By-Law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-33 be notated S- ;

   iii) That the City Solicitor be directed to prepare a By-Law to amend Zoning By-Law No. 6593 and Zoning District Map W-33; and,

   iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-Law is to provide for a modification to the established "G" (Neighbourhood Shopping Centre, etc.) District regulations applicable to property located at No. 1088 Main Street West, as shown on the attached map marked as APPENDIX "A".

The effect of the By-Law is to permit a musical entertainer to perform within the existing restaurant located on the site which is otherwise prohibited by the Zoning By-Law.

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

543003 Ontario Limited, owner.

LOT SIZE AND AREA

- 11.43 m (37.50 ft.) of lot frontage on Main Street West;
- 30.48 m (100.00 ft.) of lot depth; and,
- 348.38 m^2 (3,750.00 sq. ft.) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	A one-storey restaurant with an outdoor patio	"G" (Neighbourhood Shopping Centre, etc.) District
Surrounding Lands		
To the north	Single-family dwellings	"C" (Urban Protected Residential, etc.) District
To the south	A church and single-family dwellings	"C" (Urban Protected Residential, etc.) District
To the east	Two single-family dwellings and commercial uses	"G" (Neighbourhood Shopping Centre, etc.) District
To the west	A bank and commercial uses, including a medical office building	"G" (Neighbourhood Shopping Centre, etc.) District

OFFICIAL PLAN

Designated "Commercial", the proposal complies with the Official Plan, provided that the proponent demonstrates that the parking variance will not lead to nuisances through the parking or loading of vehicles on land or streets adjacent to the use.

NEIGHBOURHOOD PLAN

A Neighbourhood Plan is not available for the Westdale South Neighbourhood.

ECONOMIC FACTORS

The applicant has advised that the proposed building addition will employ approximately 10 people in the construction field from firms located in the City of Hamilton. The business expansion will generate one or two part-time and two full-time workers, and the total cost of the project will not exceed $100,000.

BACKGROUND

The applicant has submitted a preliminary site plan of the proposal which provides for a 26.0 ft. by 24 ft. 1 in. addition to the rear of the one-storey building. The proposed addition will provide for the relocation and enlargement of the kitchen and provide for an increase in the seating capacity of the restaurant from a maximum of 45 persons to a maximum of approximately 95 persons (based on calculations from the plan submitted). Currently, no off-street parking spaces are provided for the 45 persons, which generates a need for eight parking spaces.

COMMENTS RECEIVED

- The Building Department has advised that without knowing what type of entertainment is to be provided, they cannot comment on the proposal. Off-street parking and loading is subject to Section 18A of By-Law 6593.

- The Traffic Department has advised that:

  "We understand that the present restaurant has operated for the past three years without the provision of parking in accordance with the zoning by-law. As such, we would be prepared to accept modifications to the existing zoning to allow the present operation to continue and be modified to allow entertainment. We cannot, however, support any modifications to the zoning which would allow for an expansion of the existing operation without the provision of the full parking requirements (as per the zoning by-law). We believe that on-street parking could become a serious concern in the area if such an expansion were to occur. While we recognize the efforts of the applicant to attempt to provide additional off-site parking, this parking cannot be guaranteed and should not therefore be considered as a replacement for on-site parking.

  In summary, we are prepared to accept changes in the zoning to allow entertainment, but we cannot support either a change in the parking requirement or an increase in the existing seating capacity without the full provision of required parking."

- The Hamilton-Wentworth Engineering Department has advised that:

"Please be advised that public watermains as well as combined storm and sanitary sewers are available to service the subject lands.

The Region has prepared functional plans for the widening and channelization of Main Street West from Paradise Road to Haddon Avenue. In conjunction with these plans, specific survey plans were prepared outlining lands required for these roadway improvements. It appears from these plans that the lands required to construct these works will be acquired only on the south side of this section of Main Street West. The applicant may wish to attend this office to discuss these preliminary plans with our staff.

Any work within the Main Street West road allowance must conform to the respective Streets By-laws.

For the information of the applicant, the alley to the rear of the subject lands is public unassumed."

- The Hamilton Region Conservation Authority has no comments.

COMMENTS

1. As set out in Policy A.2.2.37 of the Official Plan where a proposal is made for a COMMERCIAL development in which proposed parking and/or loading space is less than generally required it must be demonstrated by the proponent to the satisfaction of Council that the proposal will not lead to nuisances through the parking or loading of vehicles on land or streets adjacent to the use. The applicant has advised that while he may be able to provide off-street parking in the vicinity, he cannot obtain a long term lease to guarantee the continuance of the required parking spaces. On this basis, the proposal would appear to conflict with the intent of the Official Plan.

2. The proposal to increase the seating capacity of the restaurant by approximately 50 persons (45 to 95 persons) by the construction of the proposed addition cannot be supported because:

   - Under its current status, the existing restaurant and outdoor patio is legal non-conforming in terms of not providing eight off-street parking spaces for the current seating capacity of 45 persons.

   - The proposed addition would generate a need for an addtional eight off-street parking spaces which cannot be provided on the site as required by the zoning by-law.

   - Approval of the application as submitted will only add to problems associated with on-street parking in the surrounding area.

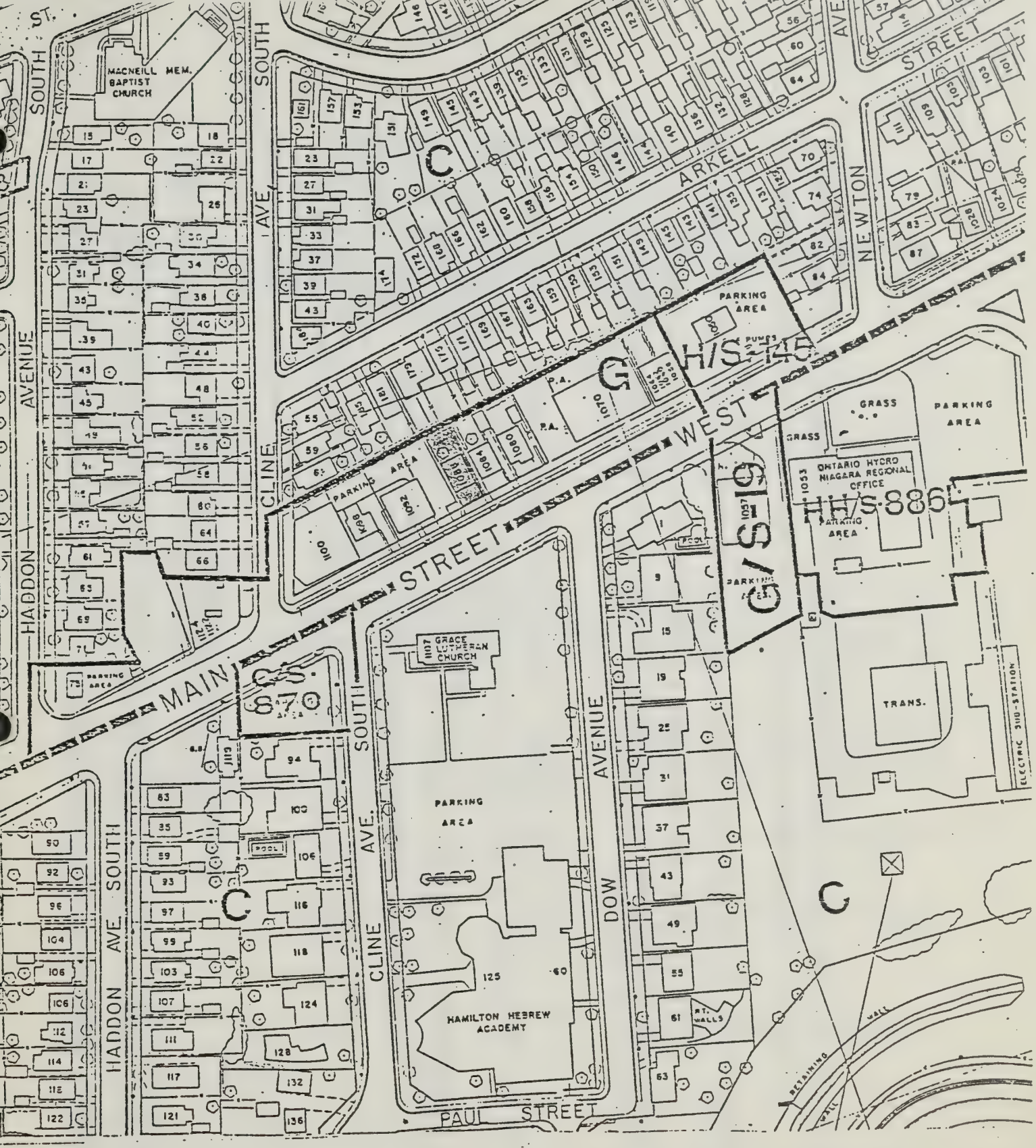
- Off-site parking cannot be guaranteed and cannot be considered as a replacement for on-site parking as required by the zoning by-law. Furthermore, off-site parking could have legal side effects for the lessor.

Regarding a modification to permit entertainment, the applicant verbally advised that he wishes to upgrade the status of the restaurant to provide diner musical entertainment in the form of a guitarist/singer or pianist/singer. On the basis that the entertainment is restricted to only one entertainer as proposed by the applicant, the live entertainment proposed would not be less objectionable than recorded music permitted within the "G" District and as such, can be supported.

CONCLUSION

On the basis of the foregoing, the proposal to expand the restaurant and increase the seating capacity without providing required off-street parking in accordance with the zoning by-law cannot be supported. The requested modification to permit a live entertainer within the existing restaurant can be supported.

GW:cs
WPDOC 0136P



LEGEND

SITE OF APPLICATION

ZA87-63

APPENDIX A

POST MORTEM OF A MEETING OF THE PLANNING & DEVELOPMENT COMMITTEE HELD WEDNESDAY SEPTEMBER 16,1987

TO HEAR AN APPLICATION BY APPLICANT 543003 Limited,OPERATING PERRY'S RESTAURANT (Tony Perri) FOR ZONING CHANGES TO PERMIT EXPANSION AT THE REAR AND TO OFFER LIVE MUSICAL ENTERTAINMENT.

STAFF RECOMMENDATION: DENY THE APPLICATION FOR EXPANSION BUT PERMIT THE APPLICANT TO OFFER ENTERTAINMENT

Members of the committee:

Ald.John Smith (chairman) resident of east mountain - made no comment
Ald. Don Ross (vice-chairman) resident of west mountain - made no comment
Mayor Rob't Morrow not present at meeting
Ald.Terry Cooke resident of west end,and acknowledged friend of the applicant
Ald.Wm.McCulloch resident of central area - made no commentpertinent
Ald.Brian Hinkley resident of central area,did not appear to understand the situation
Ald.D.Christopherson - made no comment
Ald.Shirley Collins not present at meeting
Alf.Henry Merling had a great deal to say,obviously a friend of the applicant;and had eaten at the pla
Ald.Gerry Copps - - made no comment,left meeting - perhaps not a member

After 90 minutes of discussion by residents opposed and several friends of the applicant in favour the committee unanimously recommended in favour of the expansion and the live entertainment.

One of the residents in favour was Dwight Ryan, a TV reporter for CHCH.

Ald.Mary Kiss, while she was in the audience and present for the latter part of the meeting didn't speak either for or against the application.

The applicant Tony Perri is reported to be a member of the Roman Catholic School Board

It was obvious to everyone present that the committee had been heavily lobbied on behalf of the applicant;and the decision reached was a foregone conclusion.

ONTARIO MUNICIPAL BOARD

IN THE MATTER OF BY-LAW NO. 87-351
PASSED BY THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON
ON THE 8TH DAY OF DECEMBER, 1987 UNDER SECTION 34
OF THE PLANNING ACT 1983

NOTICE OF APPEAL

TAKE NOTICE that the undersigned hereby appeals to the Ontario Municipal Board the passing of By-Law No. 87-351 by the Council of The Corporation of the City of Hamilton on the 8th day of December, 1987.

The grounds of Appeal are as follows:

(a) The By-law exempts the owners of the property known municipally as 1088 Main Street West, in the City of Hamilton from providing on-site parking thereby permitting the owner of the subject property to expand its restaurant without the required parking.

(b) The said restaurant already has inadequate on-site parking which already creates a serious problem for the adjoining commercial land owners. Expansion of the restaurant without on-site parking will aggrevate the problem.

(c) Such further and other grounds as counsel for the Appellant may advise.

DATED: January 11th, 1988

SONAN DEVELOPMENTS LIMITED by its solicitors, PELECH, OTTO & POWELL

Per: _____
Anthony J. B. Powell

149 Main St. East,
P.O. Box 442,
Hamilton, Ont.
L8N 3H8
Tel: 522-4696

RECEIVED
JAN 11 1988
CITY CLERKS

Copy to: Mr. U. Abraham - Planning
Mr. P. Hooker - Solicitors
January 11/88

NOTICE OF APPEAL
IN THE MATTER OF By-LAW 87-35

TO WHOM IT MAY CONCERN

I wish to state that I object to Perry's Restaurant extending their present building. The parking space is quite inadequate and the general noise and odours are most particularly offensive during the summer months.

sincerely,

Elizabeth Currier

(Mrs. K.C. Currier)
169 Arkell Street,
Hamilton, Ontario.

RECEIVED
JAN 12 1988
CITY CLERKS

Copy to: Mr. U. Abraham - Planning
mr. P. Hooker - Solicitors
Jan 12/88 SG

NOTICE OF APPEAL

To Whom It May Concern; IN THE MATTER OF BY-LAW 87-351

I have lived for 27 years at 175 Arkell St which is situated directly behind Perry's Roadhouse.

I am writing to protest the expansion of Perry's Roadhouse for the following reasons:

1. The Planning Department of the City of Hamilton recommended that this addition not proceed, but it was overruled by the politicians who listened to clients rave about the food. This was not the issue.
2. There is not enough parking on site now. Therefore an expansion causing the parking lot to be reduced is illogical.
3. Due to the lack of current parking, the clients of the Roadhouse take 'short-cuts' through my backyard to where they are parked on Arkell St, or to walk home. They have damaged my gate so badly that it had to be replaced. They also leave debris in the yard.
4. The cooking odours (smells like rancid fat) permeate the whole neighbourhood at the moment. With this extension, the fans will be even closer to the homes on Arkell St.
5. Due to the sale of alcohol on the premises, the patrons leaving late at night are not careful in their parking manoeuvers. They have damaged my fence several times.

RECEIVED
JAN 12 1988
CITY CLERKS

Respectfully submitted
W K Bowring

Copy to: Mr. U. Abraham - Planning Jan 12/88 SE
Mr. P. Hooker - Solicitor

NOTICE OF APPEAL
IN THE MATTER of By-LAW 87-351

171 Arkell St.
Hamilton
Jan. 11/88.

To whom it may concern.

About the property at 1088 Main St. W.

My objections to the passing of the By-Law. No 87-351 on Dec. 8/87. under section 34 of the Planning Act 1983.

Lack of parking and overflow comes over on Arkell St.

Excessive smoke and cooking odours are most objectionable.

Florence Stewart

RECEIVED
JAN 12 1988
CITY CLERKS

Copy to: Mr. U. a Graham
Planning
mr. P. Hooker
Solicitor -
Jan. 12 188 sg

NOTICE OF APPEAL

179 Ashill St.,
Hamilton, Ontario.

To Whom it May Concern

Re: 1088 Main St. E.

My objections to the passing of By-Law No. 87-351 are the following:

Lack of parking - overflow comes over on Ashill St.

Excessive smoke and cooking smells not conducive to putting out laundry or sitting out in yard.

Bones have been broken on my back fence on more than one occasion which I have had to have repaired myself.

I am afraid with the enlargement of the present building everything will be brought closer to my property including the loud music. Just too small an area to handle it.

(Mrs.) Hazel Arthur

RECEIVED
JAN 12 1988
CITY CLERKS

Copy to: Mr. V. Abraham - Planning
Mr. P. Hooker - Solicitor

Jan 12/88 hg

Kare Morr Travel

We Kare-Morr for your holidays

Jan. 12/88

RECEIVED
JAN 12 1988
CITY CLERKS

Ontario Municipal Board

RE: Bylaw 87-351
Passed by Corp. of City of Hamilton, Dec. 8/87

NOTICE OF APPEAL

Take notice that the undersigned herby appeals to the Ontario Municipal Board the passing of the above noted by-law.

The ground of appeal are as follows:

a) We require parking for our business, which is located very close to the subject premises on Main St. West, Hamilton, and all too frequently, patrons of the subject premises use the parking of our businesses at 1070 Main St. West.

b) Without parking our businesses will suffer.

c) Our landlord (1070 Main St. W) supplies 34 parking spots for us, but with the opening of Perry's Restaurant at 1088 Main St. W., we find that there are often no spots available for our clients or staff.

d) Any arrangements that the restaurant owners might make for evening parking does not alleviate the parking problems we experience during the daytime.

e) The proposed by-law will only make worse an already bad parking situation in the neighbourhood.

KARE-MORR TRAVEL AGENCY

Copy to: mr. D. Abraham - Planning
mr. P. Hooker - Solicitor
Jan 12/88 SG

Telephone (416) 529-7163 1070 Main Street West, Hamilton, Ontario, Canada L8S 1B4

Ontario Municipal Board

In the matter of By-law No. 87-351

Notice of Appeal

Take notice that the undersigned hereby appeals to the Ont. Municipal Board the passing of By-law # 87-351 by the Council of the Corp. of the City of Hamilton on the 8th day of Dec. 1987

The grounds of appeal are as follows:
The said restaurant already has insufficient parking, resulting in the use of parking facilities provided by our landlord at 1070 Main St. west. Our business depends on the availability of parking, without it we will have to close. Any increase in the size of the restaurant & resultant increase in customers will create real hardship on our business

Eric Pinkerton

The Squire Barber Shop
1070 Main St. West
Hamilton

RECEIVED
JAN 12 1988
CITY CLERKS

cy to: Mr. V. Abraham - Planning
Mr. P. Hooker - Solicitor Jan 12/88 RP

RECEIVED
JAN 12 1988
CITY CLERKS

PROVINCIAL CHAPTER OF ONTARIO IODE

PATRON
HER MAJESTY THE QUEEN

1070 MAIN STREET WEST
HAMILTON, ONTARIO L8S 1B4
TEL. 416-522-9537

TO: THE ONTARIO MUNICIPAL BOARD

RE: BY-LAW NO. 87-351 as passed by the City of Hamilton
Under Section 34 of the Planning Act 1983
on December 8, 1987

NOTICE OF APPEAL

Take notice that the undersigned hereby appeals to the Ontario Municipal Board the passing of By-Law No. 87-351 by the Corporation of the City of Hamilton on December 8th, 1987.

The grounds of appeal are as follows:

1) The by-law exempts the owners of the property at 1088 Main St. West, known as Perry's Restaurant, from providing on-site parking, therby permitting the expansion of the restaurant without the required parking.

2) The said restaurant already has inadequate parking, resulting in the use of adjoining and nearby commercial parking by customers to the disadvantage of the owners and tenants of these properties.

3) The landlord of our building (1070 Main Street West) has provided 34 parking spaces for the tenants of the building but the use of these spaces by restaurant customers often means there are no spaces available for tenants, staff or clients or members of our organization.

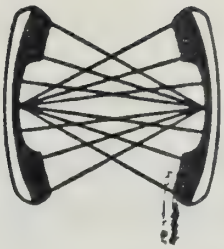
4) Any expansion of the restaurant will further aggravate the parking situation during the business hours of the tenants.

Dated: January 12, 1987

NOREEN M. SALARI
Provincial President IODE

per Pearl Davie
Pearl Davie, Office Manager

Copy to: Mr. U. Abraham - Planning
Mr. P. Hooker - Solicitor
Jan 12/88 SG



January 11, 1988

RECEIVED
JAN 12 1988
CITY CLERKS

Ontario Municipal Board

Re: By-Law No. 87-351

To Whom It May Concern:

NOTICE OF APPEAL

Take notice that the undersigned hereby appeals to the Ontario Municipal Board the passing of By-Law No. 87-351 by the Council of The Corporation of the City of Hamilton on the 8th. day of December, 1987.

The grounds of Appeal are as follows:

a) We require parking for our businesses, which are located in close proximity to the subject premises on Main Street West, in the City of Hamilton.

b) Without parking our business will suffer.

c) Our Landlord (1070 Main Street West) supplies 34 parking spaces for the building, but since the opening of Perry's Restaurant at 1088 Main Street West, we find that frequently there are no spots available for our clients, let alone our staff.

d) Any arrangements that the restaurant owner might make for evening parking does not alleviate the parking problems we experience during the daytime.

e) The proposed By-Law will only make worse an already bad parking situation in the neighbourhood and if the owner cannot provide satisfactory on premise parking for his clients during the daytime, we strongly oppose the expansion.

Regards,

Frank Schroeder
Telefon Corporation Ltd.

fs/db

Copy to: Mr. U. Abraham - Planning
Mr. P. Hooker - Solicitor

Jan 12/88

Telefon Corporation Ltd. 1070 Main St. West, Hamilton, Ontario, Canada L8S 1B4 Tel: (416) 524-2608

HBL Hayden Insurance Brokers Limited
1070 MAIN STREET, WEST, HAMILTON, ONT. L8S 1B4

TELEPHONE
523-4664

LYNN GEORGE HAYDEN
BROKER
BEVERLEY ANNE HAYDEN
BROKER

Corporation of The City of Hamilton

RECEIVED
JAN 12 1988
CITY CLERKS

January 12, 1988

Dear Sirs: Re: By-Law Number 87-351

I am very concerned that Council has seen fit to approve expansion of Perry's Road House at 1088 Main Street West. This establishment now has six parking places, only four in the summer, for his patrons. Although the owner has made arrangements with Brown's Sunoco Station for additional parking, it is doubtful that many of his patrons circle the block to backtrack to Brown's Sunoco, then walk the city block to Perry's. On finding Perry's lot full, most patrons use the first available spot, whether it be in the Royal Bank lot, Bromberg's Real Estate or the lot on which I pay taxes, at 1070 Main Street West.

My business depends on being able to attract clients to this office and part of our service is to provide free parking. The rent on my office reflects this, as does my portion of City taxes. Not many of my clients will circle the block until a parking spot becomes available before they take their business elsewhere. I strongly object to the City authorizing an expansion which will be detrimental to adjacent businesses and wish to see approval rescinded.

Yours truly,

Lynn Hayden

LYNN G. C. HAYDEN

Copy to: Mr. O. Abraham - Planning
Mr. P. Hooker - Solicitor
Ja 12/88 lg

7.

FOR ACTION

REPORT TO: THE PLANNING AND DEVELOPMENT COMMITTEE

FROM: P. KUPPE, BUILDING COMMISSIONER

DATE: February 3, 1988
COMM. FILE:
DEPT. FILE: 88.2.4.2.1

SUBJECT:

DEMOLITION

RECOMMENDATION:

THAT THE BUILDING COMMISSIONER BE AUTHORIZED TO ISSUE DEMOLITION PERMITS FOR THE DEMOLITION OF RESIDENTIAL BUILDINGS AS LISTED BELOW.

1. 405 SHERMAN AVENUE NORTH

FINANCIAL IMPLICATIONS: N/A

BACKGROUND:

DEMOLITION CONTROL CATEGORY "B" - NO IMMEDIATE REDEVELOPMENT IS PROPOSED BUT IT IS UNECONOMICAL TO MAINTAIN THE EXISTING RESIDENTIAL PROPERTY.

THE PRESENT USE IS A SINGLE FAMILY DWELLING IN A "K" ZONE WITH A LOT SIZE OF 20' X 90'. THE PROPOSED USE IS TO BE LEFT VACANT AND USE AS PART OF ALPHA ENCLAVE (WEST), PLAN 1 AND TO BE SOLD FOR FUTURE INDUSTRIAL DEVELOPMENT. FUTURE OWNER, CITY OF HAMILTON.

8(a.)

FOR ACTION

REPORT TO:

Planning and Development Committee

FROM:
E. W. Kowalski, Director
Department of Community Development

DATE: 1988 February 02
COMM FILE:
DEPT FILE: 800-0300

SUBJECT:

Ontario Home Renewal Programme (O.H.R.P.).

RECOMMENDATION

That the one (1) application listed below be submitted to City Council for approval, authorizing the Department of Community Development to process a grant/loan in the amount not to exceed $7,500. The actual amount of grant or loan to be determined by inspection of the property under the Property Standards By-law 74-74 and pursuant to Regulation 506 (R.R.O. 1980) under The Housing Development Act for the Ontario Home Renewal Programme.

FINANCIAL IMPLICATIONS *(IF NONE, STATE N/A)*

N/A

BACKGROUND

The application listed below is currently being processed for a grant and/or loan pursuant to an amendment to The Housing Development Act, Regulation 506 (R.R.O. 1980).

For the information of the members of the Committee, the total number of applications to date under the Ontario Home Renewal Programme is three thousand eight hundred and thirty-six (3,836).

Mrs. M. Eastman
35 Chatham Street

8(b.)

FOR ACTION

REPORT TO:
Planning and Development Committee

FROM:
E. W. Kowalski, Director
Department of Community Development

DATE:1988 February 04
COMM FILE:
DEPT FILE: H52

SUBJECT:

Community Heritage Trust Fund - Progress Payment
Mr. Don Warrener, Custom House, 51 Stuart Street

RECOMMENDATION

That the Department of Community Development not change its present policy of advancing funds for rehabilitation and restoration work until the work is completed and in place.

E. W. Kowalski

FINANCIAL IMPLICATIONS *(IF NONE, STATE N/A)*

N/A

BACKGROUND

The Department of Community Development, in a report dated 1988 January 05, recommended a Community Heritage Trust Fund loan for Mr. Don Warrener, owner of Custom House, 51 Stuart Street, in the amount of $50,000. This recommendation was approved by the Planning and Development Committee 1988 January 13, and subsequently approved by City Council 1988 January 26. The loan was for the restoration and replacement of the windows in the Custom House. The total cost for repair of the windows is $175,000.

The Department's policy has always been to issue Progress Payments for work completed and installed. In this particular case, the Department was prepared to issue Progress Payments on windows which had been repaired and re-installed into the frame. Mr. Warrener indicated that he wished to receive payment for work which has been done on the windows but not installed. We have received confirmation from the owner's architect that $90,000. worth of work has been

BACKGROUND (Continued)

completed on the windows, but they are not installed. Mr. Warrener has requested that the City advance the $50,000. based on the architect's verification of work completed. We have informed Mr. Warrener that this is against policy and we will only issue Progress Payments as the windows are installed. Mr. Warrener had indicated to us that the windows could not be installed until the shutters were repaired, which would not be done until the spring. An inspection by the Building Department indicates that this was not the case and the windows could be installed.

This Department cannot recommend a change in our procedure because once the Municipal funds have been expended, we have no mechanism to ensure completion of the project. We wish to note that the Province of Ontario has indicated that they have approved a grant of $109,000. for the installation of the windows as well as work on interior doors and shutters. The Department has not been able to determine whether the Province of Ontario has advanced funds; however, the invoice authorized by the architect would indicate that some monies have been advanced to the contractor.

As indicated, the Department cannot recommend issuing a Progress Payment at this time; however, should the Committee decide that one should be authorized, we request direction as to how much and at what stage additional payments should be issued.

JAN 29 1988 9a.

FOR ACTION

FROM D. W. Vyce, Director of Property DATE January 28, 1988

TO PLANNING & DEVELOPMENT COMMITTEE Refer To File No. (2738)

Attention Of

Your File No.

SUBJECT

Termination of Sale - Vacant Land
Stone Church Road East - Carlo Del Sordo

RECOMMENDATION

1. That an Offer to Purchase the lands of The Corporation of the City of Hamilton being composed of part of Lot 3, Concession 7, Township of Barton, comprised of the northerly 283 feet of Part 8, Plan 62R-4187 and containing approximately 0.39 acres duly executed on October 8, 1987 by the Purchaser, Carlo Del Sordo, approved by City Council on November 10, 1987, 21st Report of Planning & Development Committee, Item 13; be terminated; and the deposit of $1,170.00 be returned to the Purchaser without interest.

   (a) subject to the Purchaser releasing the City of Hamilton from this transaction in a form subject to the satisfaction of the City Solicitor, and

2. That Item 13 of the 21st Report of the Planning and Development Committee as adopted by City Council on November 10, 1987 be rescinded.

BACKGROUND

Subsequent to the sale of this land to Carlo Del Sordo, as shown as Part 1 on the attached plan, we were advised that the City had previously conveyed this parcel to the Region on September 22, 1980. The conveyance to the Region was initiated due to the fact that the City's land was too small to develop on its own. When you combine the Regional property which is shown as Part 2 on the aforementioned plan and the City's former site, it forms a 1.287 acre lot that can be readily developed. Mr. Del Sordo is prepared to release the City of Hamilton from this transaction and purchase the entire site from the Region.

All net proceeds of the sale of Part 1 after costs from the Region to Carlo Del Sordo, will be refunded by the Region to the City.

Attach.

Continued...

c.c. - Mr. K.A. Rouff, City Solicitor

- Mr. E.C. Matthews, City Treasurer

- Mr. M. Chidley, Regional Surveyor

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

PART	INSTRUMENT			
1	167598 C.D.	PART OF	7	1576.8 m²
2	34387 C.D			3633.8 m²
3	182346 HL	3		268.3 m²

RECEIVED AND DEPOSITED
DATE 1988 01 20
Dep. J. M. Stewart
LAND REGISTRAR FOR THE REGISTRY DIVISION OF WENTWORTH (#62)

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE REGISTRY ACT
DATE Jan. 12 1988
M. A. Chidley
M A CHIDLEY
REGIONAL SURVEYOR

PART 2, 62R-6497
INST 455498AR
(REMAINDER)
N71° 43'10"W
18.288
24.033
N71°25'50"W
INST 34387C.D.
PART 2
DETAIL, NOT TO SCALE

PLAN OF SURVEY
OF
PART OF LOT 3, CONCESSION 7
IN THE GEOGRAPHIC TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE = 1:600
6m 0 6 10 20 30 m

M A CHIDLEY, O L S
1987

BEARINGS HEREON ARE ASTRONOMIC AND ARE REFERRED TO THE NORTH LIMIT OF STONE CHURCH ROAD ON A COURSE OF N 71°43'10"W AS SHOWN ON PLAN 62R-6497

LEGEND

○	DENOTES	MONUMENT PLANTED
●	"	MONUMENT FOUND
S.I.B	"	STANDARD IRON BAR
I.B	"	IRON BAR
Ø	"	ROUND
HAM	"	CITY OF HAMILTON
R.H.W	"	REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
WIT	"	WITNESS

REGIONAL ROAD No. 102
UPPER OTTAWA STREET
5.182 WIDENING BY CITY BY-LAW 76-51, REG'D AS INST 422460
ROAD ALLOWANCE BETWEEN LOTS 4 & 5

(REMAINDER OF) INST 455498AR
PART 2
PLAN 62R-4187
PART 1 62R-4187 & 167598 C.D.
PART 12, 62R-4187
PART 7, 62R-4187
(REM OF) INST 307321 AB
PART 5
PART 6, 62R-6497
PART 3
PART 2
INST 34387 C.D.
INST 182346 HL
TOWNSHIP OF BARTON
LOT 3
CONCESSION 7
ROAD ALLOWANCE BETWEEN LOTS 2 & 3
SOUTHEAST CORNER OF LOT 3, CONCESSION 7
PART 3, PLAN 62R-5044

N71°43'10"W 62R-4187, 62R-6497 & Meas
18.288 62R-4187 & Meas
CHAIN LINK FENCE ON LINE
24.033 N71°25'50"W
N80°37'30"W
CHAIN LINK FENCE ON LINE
60.942
N11°05'00"E
91.440 62R-4187 & Set
86.258
N16°35'50"E
5.182 62R-6497 & Meas (N16°16'15"E 62R-6497)
N16°16'15"E 5.182 62R-6497 & Meas.
N14°05'40"E 21.388
CHAIN LINK FENCE ON LINE
70.074
51.786 Meas (51.816 62R-6497)
N71°43'10"W 373.764 62R-6497 & Meas
(373.901 INST. 34387 C.D.)
51.816 62R-6497 & Set
70.104
18.288 62R-4187 & Set
N71°43'10"W 62R-4187, 62R-6497 & Meas.
97.799 N71°43'10"W 62R-4187
N71°43' 18.288
INST 182346 HL
S.I.B (HAM)
I.B
S.I.B (R.H.W) WIT
WIDENED BY INST. 167598 C.D
(CONFIRMED BY PLAN BA-403, REGISTERED AS INST 284686 A B)
STONE CHURCH ROAD

FOR ACTION FEB 3 1988 9b.

REPORT TO: Mrs. S. Reeder, Acting Secretary
PLANNING & DEVELOPMENT COMMITTEE

FROM: Mr. D.W. Vyce, Director of Property

DATE: February 2, 1988
COMM FILE:
DEPT FILE:

SUBJECT:

**Sale - Part Lot 3, Concession 8 -
1298 and 1292 Stone Church Road East to 740194 Ontario Inc.**

RECOMMENDATION

That an Offer to Purchase the lands of the Corporation of the City of Hamilton, being composed of part of Lot 3, Concession 8, formerly in the Township of Barton, along the southern limit of Stone Church Road East, duly executed on January 18, 1988 by the Purchaser, 740194 Ontario Inc. (C.Michael Leverty, Lawrence J. Henderson, James Micules) be approved and completed.

Note: The purchase price is $88,000.00. A deposit cheque in the amount of $8,800.00 is being held by the City Treasurer pending Council approval.

The property is composed of part of Lot 3, Concession 8, formerly in the Township of Barton, now in the city of Hamilton, said parcel of land having a frontage of 200 feet, more or less, along the southern limit of Stone Church Road East by a depth of 418.57 feet, more or less, and containing an area of 1.92 acres, more or less, more particularly described as Parts 4 and 5, Plan 62 R-1174 and known as Municipal No's. 1298 and 1292 Stone Church Road East.

The closing of this transaction is conditional upon the simultaneous completion of the transaction between 740194 Ontario Inc. (C. Michael Leverty, Lawrence J. Henderson, James Micules) and the Regional Municipality of Hamilton-Wentworth concerning the sale of:-

'part of Lot 3, Concession 8, formerly in the Township of Barton, now in the City of Hamilton, said parcel of land having a frontage of 200 feet, more or less, along the southern limit of Stone Church Road East, by a depth of 418.57 feet, more or less, and containing an area of 1.92 acres more or less, as shown in heavy outline on the attached plan, and known as Municipal No. 1276 Stone Church Road East, Hamilton, Ontario.'

RECOMMENDATION - Continued...

It is understood and agreed that the Vendor, upon completion of this transaction will pay a 5% Real Estate Commission to Royal LePage Real Estate Services Ltd., 5070 Dixie Road, Mississauga, Ontario, L4W 1C9, whose agent, Mr. William J. DeJong, acted in this matter.

It is understood and agreed by the Purchaser that the subject lands have services available to it on Stone Church Road East, however, the Purchaser acknowledges and agrees that there are no lateral connections of the sewer and water lines to the Purchaser's property line. The Purchaser is responsible at its sole costs to provide these sewer and water connections.

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

N/A

BACKGROUND

The Real Estate Division of the Property Department has received an inquiry from Mr. William J. DeJong on behalf of his clients, 740194 Ontario Inc. (C.Michael Leverty,Lawrence J. Henderson, James Micules) as to the possibility of purchasing a 1.92 acre parcel of land south of Stone Church Road East. The Purchaser plans to simultaneously purchase a 1.92 acre parcel of land immediately to the east of this City parcel, from the Regional Municipality of Hamilton-Wentworth, and on the combined parcel, they will build a 36,000 square foot industrial building for mini storage purposes.

Attach.
c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
- Mr. M. Chidley, Regional Surveyor

FEB 3 1988

9c.

FOR ACTION

REPORT TO: Mrs. S. Reeder, Acting Secretary
PLANNING & DEVELOPMENT COMMITTEE

FROM: Mr. D.W. Vyce, Director of Property

DATE: February 3, 1988
COMM FILE:
DEPT FILE: 100.11.128 (4505)

SUBJECT:

Purchase by the City - 356 Birch Avenue - Mikoslav Tauterman

RECOMMENDATION

That an Option to Purchase the property at 356 Birch Avenue duly executed by Miloslav Tauterman on February 2, 1988 and scheduled to close on or before April 19, 1988 be completed.

This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan I and has a frontage of 11.43 metres (37.5 feet) more or less, by a depth of 18.29 metres (60 feet) more or less, and containing an area of 206.42 square metres (2,222 square feet) more or less, together with all structures erected thereon. The purchase price of $50,600.00 in accordance with Schedule "A" attached, and all costs and associated expenses, including Tenant Moving Allowances, to be charged to account 0408-W75266. Demolition is to take place upon closing.

D.W. Vyce

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A
There will be revenue generated by the disposal of the assembled lands. The amount is not known at this time.

BACKGROUND

We attach hereto an Option to Purchase from Miloslav Tauterman for the purchase by the City of part of Lots 62 and 63, Plan 471, having a frontage on the eastern limit of Birch Avenue of 11.43 metres (37.5 feet) more or less, by a depth of 18.29 metres (60 feet) more or less, and containing an area of 206.42 square metres (2,222 square feet) more or less, together with all structures erected thereon and known as Municipal Number 356 Birch Avenue, for the sum of $50,600.00.

Attach.
c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
- Mr. R. Gillespie, Manager, Property Maintenance Division
- Mr. P. Kuppe, Building Commissioner Attn: Monica German
- Mr. M. Chidley, Regional Surveyor

10a.

FOR ACTION

FROM: Planning and Development Department

DATE: January 26, 1988

TO: Planning and Development Committee

Refer to File No. 25CDM-87015
SA-87-32

Attention V. J. Abraham

SUBJECT

Application to the Region for the approval of a plan of condominium, Regional File No. 25CDM-87015, City of Hamilton File No. SA-87-32, to construct 14 Industrial Units in one building.

RECOMMENDATION

That approval be given to application SA-87-32, Ablaka Development Limited, owner, to establish a Draft Plan of Condominium located at the south side of Stone Church Road east and east of Anchor Road, subject to the following conditions:

1. That this approval apply to the plan prepared by A. J. Clarke & Associates, dated September 24, 1987, showing 14 units.

2. That the owner agree in writing to satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth.

Respectfully submitted,

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

V. J. Abraham, M.C.I.P.
Director - Local Planning

BACKGROUND

Owner

Ablaka Development Ltd., Hamilton, Ontario

Agent and Surveyor

A. J. Clarke and Associates, Hamilton, Ontario

Location

The lands, comprising 0.5838 ha, are located at the south side of Stone Church Road East and east of Anchor Road, in the North Hannon Neighbourhood, City of Hamilton.

Proposal

The owner proposes to construct 14 units for industrial purposes within one building.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Industrial-Business Parks" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Industrial". The proposal complies.

Neighbourhood Plan - the lands are designated "Restricted Industrial" The proposal complies.

Zoning - the lands are zoned to permit the proposed development and approval was given to Site Plan Control Application DA-87-99 on December 29, 1987 subject to minor revisions.

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the proposal:

Ministry of Transportation
Ministry of Industry and Tourism
Ontario Hydro, Bell Canada and Union Gas
City Traffic Department
City Building Department
Regional Department of Engineering

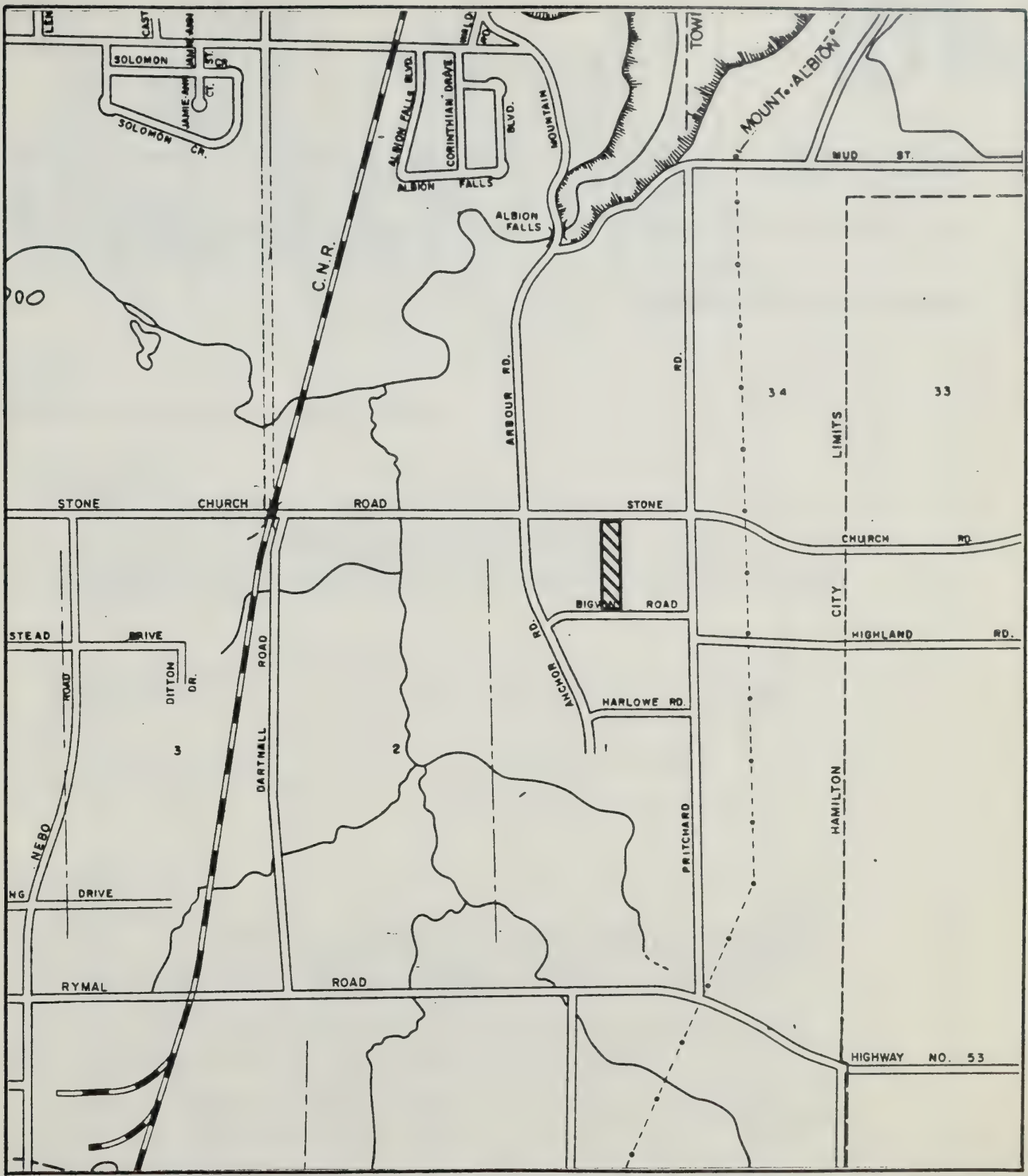
COMMENTS

1. The conformity of the proposal with the Official Plans and the Zoning By-law is noted.

2. No commenting agency has objected to the plan of condominium.

3. The plan of condominium is for industrial purposes.

JLS/jd



Location Plan For

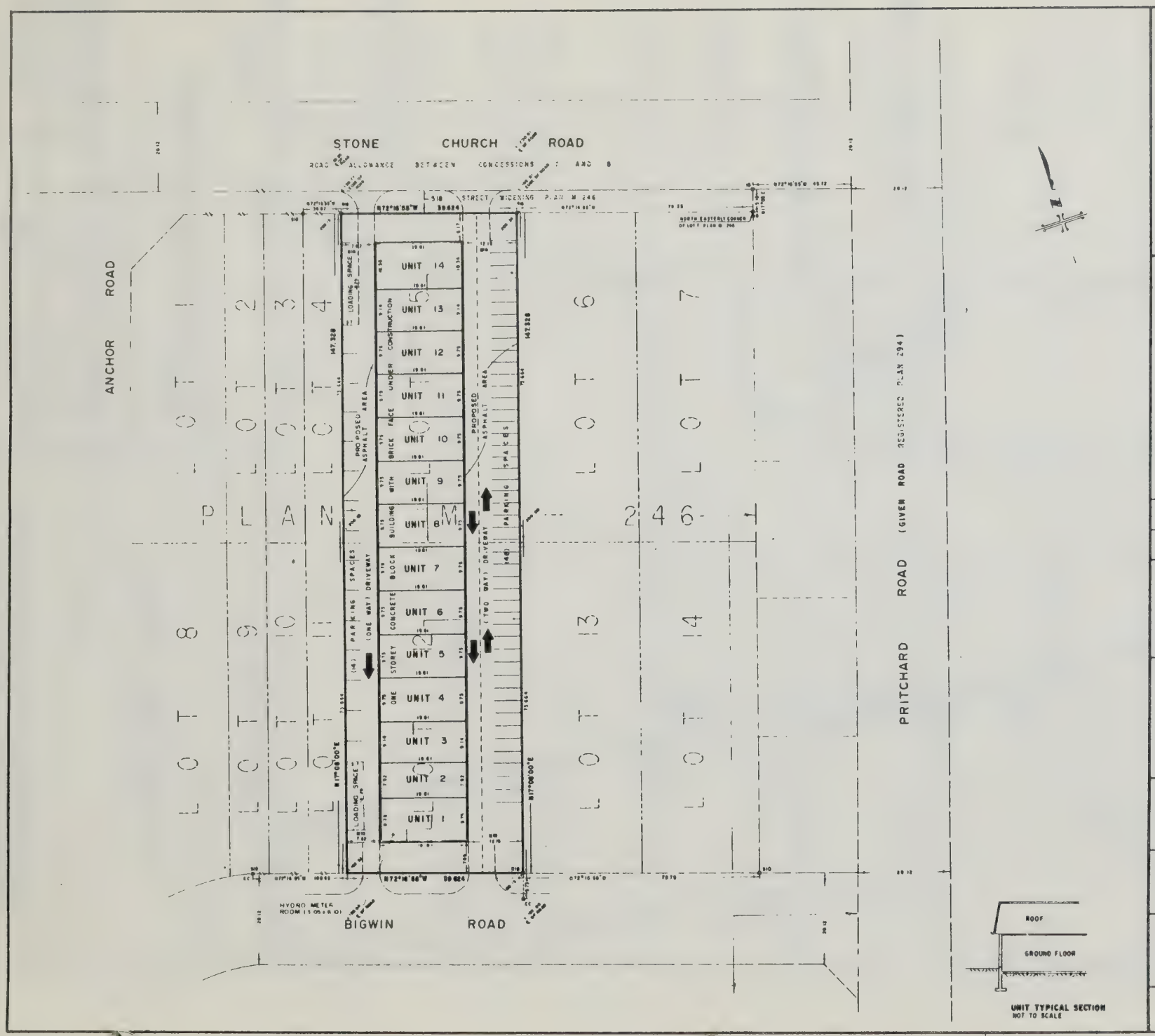
STONERIDGE PLACE

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

PROPOSED CONDOMINIUM

North	Scale	Reference File No.
	N. T. S.	25CDM-87015 SA-87-32
	Date OCT. 7, 1987	Drawing No.



DRAFT PLAN OF

STONERIDGE PLACE

BEING A PROPOSED CONDOMINIUM PROJECT OF

LOTS 5 AND 12, PLAN M-246
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF
HAMILTON - WENTWORTH

SCALE 1 : 400

A. J. CLARKE O.L.S.
1987

NOTE THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT

METRIC DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

SURVEYOR'S CERTIFICATE

I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN

SEPTEMBER 24, 1987
DATE

A. J. CLARKE Ontario Land Surveyor

OWNER'S AUTHORIZATION

WE ABLAKA DEVELOPMENT LIMITED, BEING THE REGISTERED OWNERS OF THE SUBJECT LANDS, HEREBY AUTHORIZE A.J. CLARKE AND ASSOCIATES TO PREPARE AND SUBMIT THIS DRAFT PLAN OF CONDOMINIUM TO THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH FOR THEIR APPROVAL

ABLAKA DEVELOPMENT LIMITED

SEPTEMBER 24, 1987
DATE

ISTVAN ABLAKA

RE: CHAPTER 349 R.S.O. 1980, SECTION 36(2) - THE PLANNING ACT

A	SHOWN ON PLAN	G	SHOWN ON PLAN
B	SHOWN ON PLAN	H	MUNICIPAL PIPED WATER AVAILABLE
C	SHOWN ON PLAN	I	CLAY LOAM
D	SEE SCHEDULE	J	SHOWN ON PLAN
E	SHOWN ON PLAN	K	MUNICIPAL SERVICES EXISTING
F	SHOWN ON PLAN	L	NONE

SCHEDULE

TOTAL AREA OF SITE = 5010 m² ± (62837 sq ft)
TOTAL NUMBER OF UNITS = 14 UNITS + HYDRO METER ROOM
TOTAL NUMBER PARKING SPACES = 40 SURFACE PARKING SPACES
TOTAL NUMBER OF LOADING SPACES = 2
BUILDING UNDER CONSTRUCTION SEPTEMBER 1987
MAXIMUM BUILDING HEIGHT 7.62 m (25 FEET)

NOTE

⊙	DENOTES FOUND
SIB	DENOTES STANDARD IRON BAR
IB	DENOTES IRON BAR
RIB	DENOTES ROUND IRON BAR
CC	DENOTES CUT CROSS

A. J. Clarke & Associates
PROFESSIONAL ENGINEERS AND ONTARIO LAND SURVEYORS

10b.

FOR ACTION

FROM: Planning and Development Department

DATE: January 28, 1988

TO: Planning and Development Committee

REFER TO FILE NO: P5-4-7-9

Attention of: V. J. Abraham

SUBJECT

Proposed Central Area Secondary Plan.

RECOMMENDATION

That the Planning and Development Committee authorize a public presentation and a public meeting to present, discuss and allow for public comment on the proposed Central Area Secondary Plan, an amendment to the Hamilton Official Plan.

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

EXPLANATORY NOTE

As part of its mandate, the Central Area Plan Implementation Committee (CAPIC) has undertaken a comprehensive review of the original Central Area Plan, as approved by Council in January, 1981. The philosophy of the original Central Area Plan has generally been re-affirmed and enhanced by the proposed Central Area Secondary Plan. However, some modifications have occurred in light of new development and trends over the last 10 years.

The Central Area Secondary Plan is to provide a land use and development guide for the Central Area of the City into the next century. It is proposed that the Plan be approved as an Official Plan Amendment.

BACKGROUND

The original Central Area Plan was approved by Council on January 13, 1981. The purpose of the Plan was to provide a land use and development guide for the Central Area (area bounded by Bay, Queen Street, the Escarpment and Victoria Avenue) to the year 2001. The Plan recognized the importance of the Central Area to the City and Region and provided policies for Commercial, Residential, Industrial and Institutional uses, providing for a mix of uses where appropriate. The Plan also provided policies relating to movement, including traffic, public transportation, pedestrian and bicycle, Urban Design and Energy Conservation.

The Plan was prepared by the Central Area Plan Advisory Committee (CAPAC), a committee composed of Alderman, School Board Trustees, business people, various interest groups, neighbourhood organizations and citizens. CAPAC's philosophy, embodied in the Central Area Plan, is that "An attractive, lively, human-scale environment with the physical, social and human infrastructure in place will both improve the downtown quality of life, draw people to the area, and thus encourage the private sector to expand the residential, commercial and industrial sectors."

In 1984, Council established a Central Area Plan Implementation Committee (CAPIC) to oversee and direct an implementation strategy for the Central Area Plan. As with the Central Area Plan Advisory Committee, CAPIC is made up of representatives from business, labour, residents and other community groups. (See APPENDIX "A" for a list of members and agencies.) In addition to implementing the Central Area Plan, the Committee was established to provide a proactive role in planning and monitoring the Central Area.

In light of changes in the economy, development in the Central Area, municipal actions and plans and new trends, CAPIC decided to undertake a comprehensive review of the original Central Area Plan. The result is the proposed Central Area Secondary Plan.

CAPIC established a draft Update of the Central Area Plan in July, 1986. The plan was then circulated to municipal departments and agencies for comment. Based on those comments, extensive revisions have been made resulting in the proposed Central Area Secondary Plan. Copies of the Plan will be available at the Planning and Development Committee meeting or can be obtained from the Planning and Development Department.

On December 4, 1987, CAPIC unanimously endorsed the draft Central Area Secondary Plan for presentation to the public for review and comment.

THE DRAFT CENTRAL AREA SECONDARY PLAN

The proposed Central Area Secondary Plan has been re-examined and re-affirms the philosophy of the original Central Area Plan. In some cases, changes have been made to update the plan and address new issues.

The Central Area Secondary Plan recognizes the Central Area as the service, government, cultural and commercial centre of the Region and beyond. Policies in the Plan aim to maintain and strengthen the economic and social viability of the Central Area. This Plan will assist in implementing the Regional Economic Strategy which identifies the need for attracting people into the Central Area.

The proposed Plan attempts to create a high level of quality in the design and layout of development, thereby attracting additional high quality development. The urban design principles in the Plan provide for an attractive urban environment for residents, visitors and business.

Specifically, the goals of the Central Area Secondary Plan are to:

- Provide an attractive, lively, human scale environment;
- Give greater priority to the Cental Area in terms of planning, development, implementation, monitoring and promotion;
- Maintain and increase the resident population, commercial services, social and government services, as well as the quality of life in general;
- Direct new multi-purpose developments into the downtown core with special emphasis on residential components;
- Minimize the impact of through-traffic on the downtown core and residential neighbourhoods;
- Encourage mixed-use development;
- Encourage effective urban design, architectural considerations, and energy conservation in land use and building location, content and style through urban design guidelines;
- Emphasize desirable social objectives such as income mix and assisted housing in land use, building and physical amenities;
- Encourage waterfront development with appropriate links to the downtown;
- Enhance the Central Area's role in the Hamilton-Wentworth Region and the surrounding market area, particularly regarding commercial development;
- Direct attention to the primary objectives of growth, job creation and a healthy economy; and,
- Enhance the physical and social environment, which is fundamental to good urban planning.

In order to ensure the effectiveness the policies of the proposed Plan, it is proposed that it be adopted as a Secondary Plan by way of an Official Plan Amendment.

It is proposed that the Central Area Secondary Plan be presented to the public for information and review. Public exhibitions are being planned for key locations throughout the City followed by a public meeting with the opportunity provided for public submissions.

CONCLUSION

The proposed Cental Area Secondary Plan should be presented to the public for information and comment through public exhibits and a public meeting. It is proposed that a public exhibition on the Plan be set up at key locations in the City in April, followed by a public meeting. Public concerns would then be addressed and the appropriate revisions undertaken prior to the presentation of the Plan to the Planning and Development Committee for approval.

It is expected that the Plan can be presented to the Planning and Development Committee for approval in the late summer/early fall following a review of the submissions, revision of the Plan and final circulation of the Plan to municipal departments and agencies.

BJ:CS
Attach.

APPENDIX "A"

CENTAL AREA PLAN IMPLEMENTATION COMMITTEE (CAPIC)

CURRENT MEMBERSHIP - January, 1988

Alderman David Christopherson (Chairman)

John Nolan (Vice-Chairman), Chamber of Commerce

Dr. Andrew Burghardt (Dr. Bill Anderson, alternative), McMaster University

Mark Boyak, Hamilton Real Estate Board

Bruce Charlton

Russell Elman, Coalition on Sensible Transit and Durand Association

Ozzie Ferguson, United Senior Citizens of Ontario

Rev. Charles Forsyth, First Place

Arthur Lomax, Hamilton Automobile Club

Howard Mark, Local Architectural Conservation Advisory Committee

Gabriel Etele, Downtown Business Improvement Area

Kay Nolan, Hamilton-Wentworth Roman Catholic Separate School Board

Bruce Rankin, Hamilton Society of Architects

Gillian Simmons, North End Neighbourhood

Gloria DeSantis (Clodagh Stoker-Long, alternative), Social Planning and Research Council

Marvin Wasserman, King East Business Association

David Cohen, Corktown-Stinson Neighbourhoods

Member to be named, Hamilton District Labour Council

Member to be named, Hamilton Board of Education

FOR ACTION

10c.

FROM Planning and Development Department DATE January 28, 1988

TO Planning and Development Committee Refer To File No. P5-2A

Attention Of V. J. Abraham

SUBJECT

Neighbourhood Plan Amendments - Housekeeping.

RECOMMENDATIONS

That approval be given to the following Neighbourhood Plan amendments.

(i) That the approved Barnstown Neighbourhood Plan be amended by changing the lands at the south/west corner of Stone Church Road East and Upper Wentworth Street, as shown as Block 1 on Schedule "A", from "Medium Density Apartments" to "Attached Housing".

(ii) That the approved Gilbert Neighbourhood Plan be amended as follows:

(a) the lands at 459-467 Limeridge Road West and 1078 Garth Street, shown as Block 1 on Schedule "B", be changed from "Attached Housing" to "Single and Double" residential; and,

(b) the lands between Clifton Downs Road and Caroga Court, as shown as Block 2 on Schedule "B", be changed from "Low Density Apartments" residential to "Attached Housing" and that the proposed road through these lands be deleted from the Neighbourhood Plan.

(iii) That the approved Lawfield Neighbourhood Plan be amended by changing the lands at 820 Limeridge Road East, as shown on Block 1 on Schedule "C", from "Medium Density Apartments" to "Attached Housing";

(iv) That the approved Randall Neighbourhood Plan be amended as follows:

(a) the property at 1264 Upper Gage Avenue, as shown as Block 1 on Schedule "D" be changed from "Attached Housing" to "Single and Double" residential;

(b) the property on Rexford Drive, south of Laconder Drive, as shown as Block 2 on Schedule "D" be changed from "Low Density Apartments" to "Single and Double" residential.

(v) That the approved Rolston Neighbourhood Plan be amended by changing the lands on Limeridge Road West between Elgar Avenue and Kendale Court, as shown as Block 1 on Schedule "E", from "Low Density Apartments" to "Attached Housing".

(vi) That the approved Carpenter Neighbourhood Plan be amended by deleting the special "Historical House" designation on 523 Rymal Road West, as shown in Block 1 on Schedule "F".

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

EXPLANATORY NOTE

The purpose for the amendments to the Neighbourhood Plans is to recognize current land uses which will remain for the indeterminate future and to redesignate properties which are no longer suitable for its original designed use, due to adjacent development.

These amendments have been identified through administration of Neighbourhood Plans, and is part of the housekeeping process.

BACKGROUND

Through the administration of Neighbourhood Plans a number of inconsistencies have been identified. In most cases, the neighbourhood plan designation does not accurately reflect existing land use. For example, due to market conditions a site may be developed for attached housing rather than low density apartments as designated in the neighbourhood plan. This site should therefore be identified as "Attached Housing" in the neighbourhood plan. These changes have occurred without requiring a zoning change, at which time neighbourhood plan redesignations normally occur.

In other cases, adjacent development has made a neighbourhood plan designation inappropriate. For example, a block of land designed for attached housing may be developed with a single family lot remaining. Since this lot can no longer be developed for row housing it should be redesignated for a more appropriate use. To leave the designation on the site would be misleading.

A number of additional required Neighbourhood Plan Amendments have been identified which will require an Official Plan Amendment. These changes will be addressed in the annual Official Plan Update.

COMMENTS

In order to avoid misconceptions and to accurately reflect current and preferred land uses a number of Neighbourhood Plan amendments are proposed. All the approved neighbourhood plans are on display in the foyer of the Planning Department and are extensively used by the public, staff and others. It is therefore important to keep them up to date and relevant. These amendments, and the reasons for the change are outlined in Table 1.

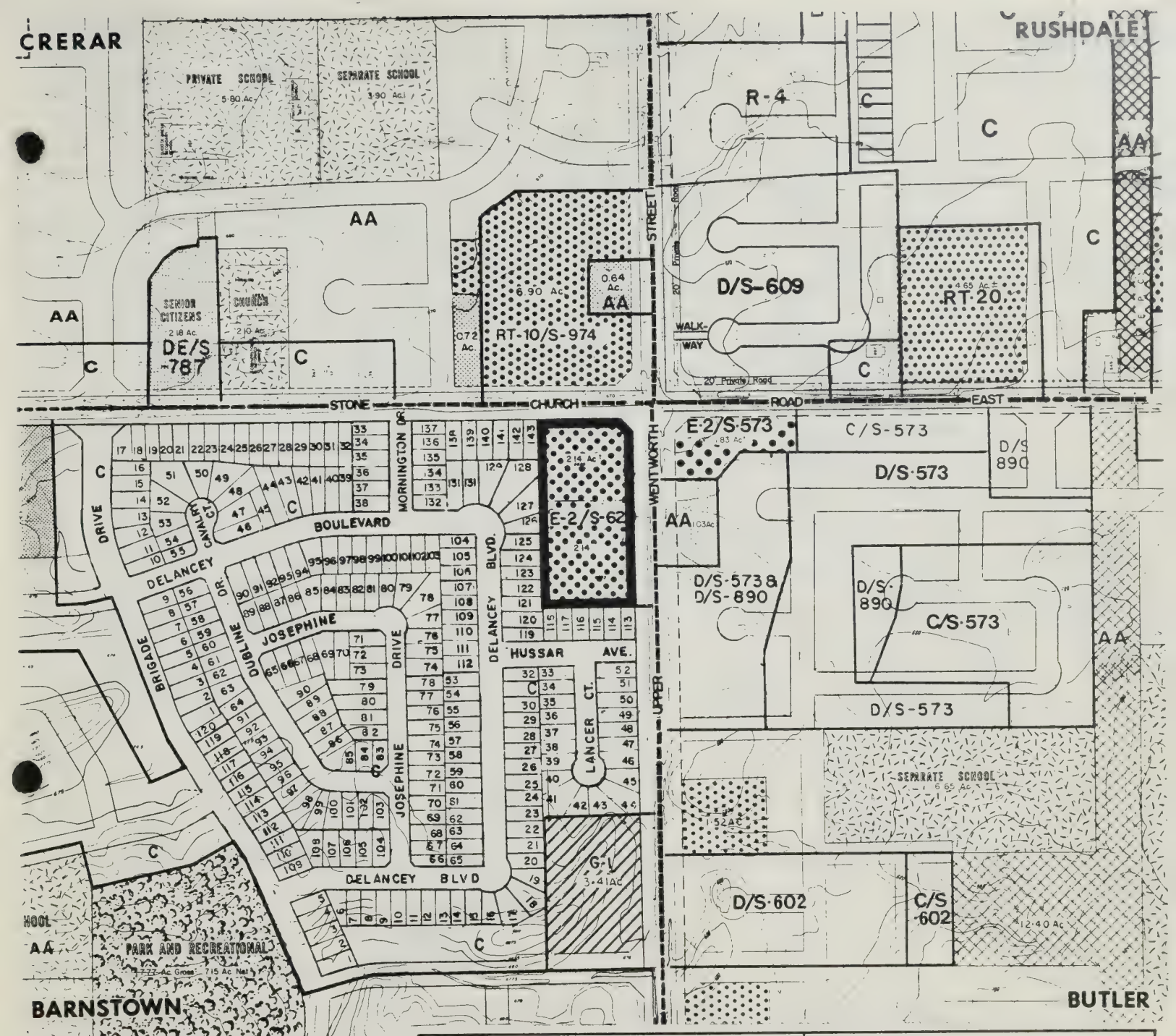
Based on the above, the proposed Neighbourhood Plan Amendments should be supported.

B.J.:nd

W.P. DOC. 0060P

NEIGHBOURHOOD PLAN AMENDMENTS

NEIGHBOURHOOD	LOCATION	EXISTING DESIGNATION	PROPOSED REDESIGNATION	REASON FOR CHANGE
1. Barnstown	South, west corner of Stone Church Rd. and Upper Wentworth St. (Block 1, Schedule "A")	Medium density apartments	Attached housing	Lands recently developed for row housing
2. Gilbert	459-467 Limeridge Rd. and 1078 Garth Street (Block 1, Schedule "B")	Attached housing	Single and double	Recognize existing single and semi-detached homes Parcel site is small, therefore row development is unlikely
3. Gilbert	Lands between Clifton Down Rd. and Caroga Ct. (Block 2, Schedule "B")	Low Density Apartments	Attached housing	Lands being developed for row housing
4. Lawfield	820 Limeridge Road East (Block 1, Schedule "C")	Medium Density Apartments	Attached Housing	Lands developed for row housing
5. Randall	1264 Upper Gage Ave. (Block 1, Schedule "D")	Attached Housing	Single and Double	Single family lot cannot be developed for row housing
6. Randall	Property on Rexford Dr. south of Loconder Dr. (Block 2, Schedule "D")	Low Density Apartments	Single and Double	Single family lot Row housing not compatible with future land use (single, double , residential) to the north and south
7. Rolston	Lands on Limeridge Rd.W. between Elgar Ave. and Kendall Ct. (Block 1, Schedule "E")	Low Density Apartments	Attached housing	Lands developed and used for row housing
8. Carpenter	523 Rymal Road West (Block 1, Schedule "F")	Special Historic House Designation	Delete from Plan	Historic House has been removed from the site



LAND USE

RESIDENTIAL

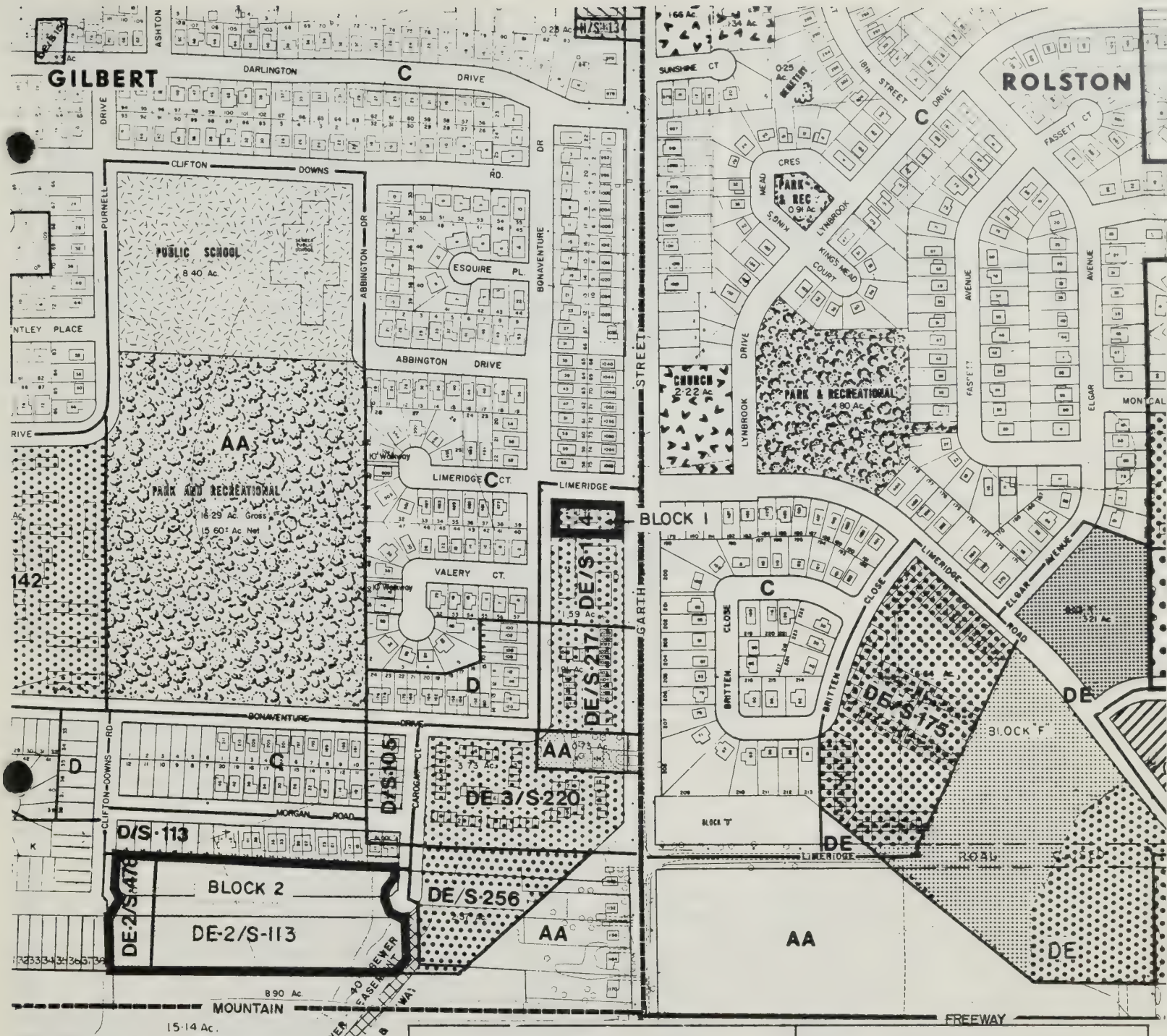
- single & double
- attached housing
- low density apts.
- medium density apts.
- high density apts.
- commercial & apts.

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES
- MULTICENTRE

- Neighbourhood Boundary
- Zoning Boundary
- Staging of Development Boundary

SCHEDULE "A"

FROM "MEDIUM DENSITY APARTMENTS" TO "ATTACHED HOUSING".



LAND USE

RESIDENTIAL

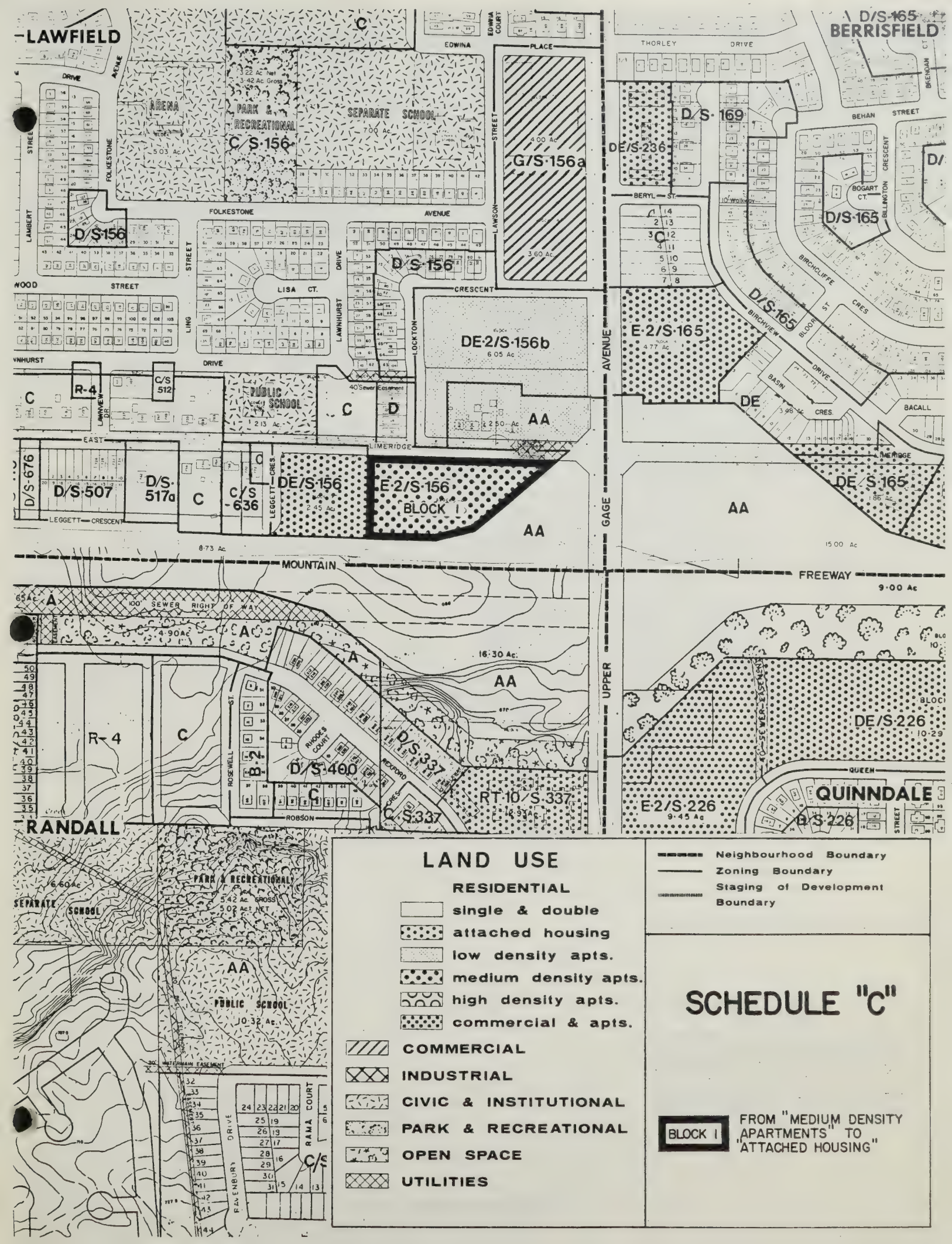
- single & double
- attached housing
- low density apts.
- medium density apts.
- high density apts.
- commercial & apts.

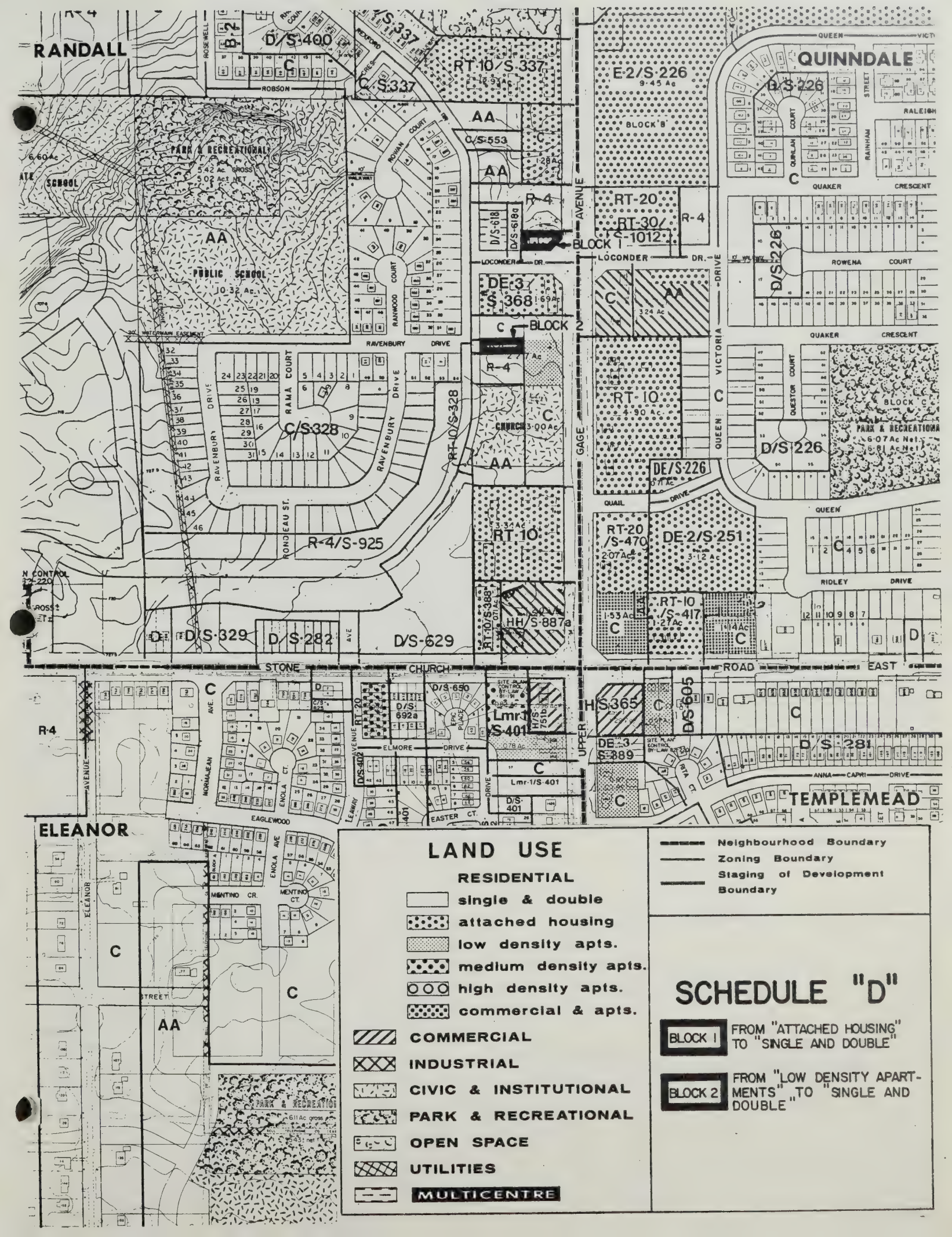
- COMMERCIAL
- CIVIC & INSTITUTIONAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

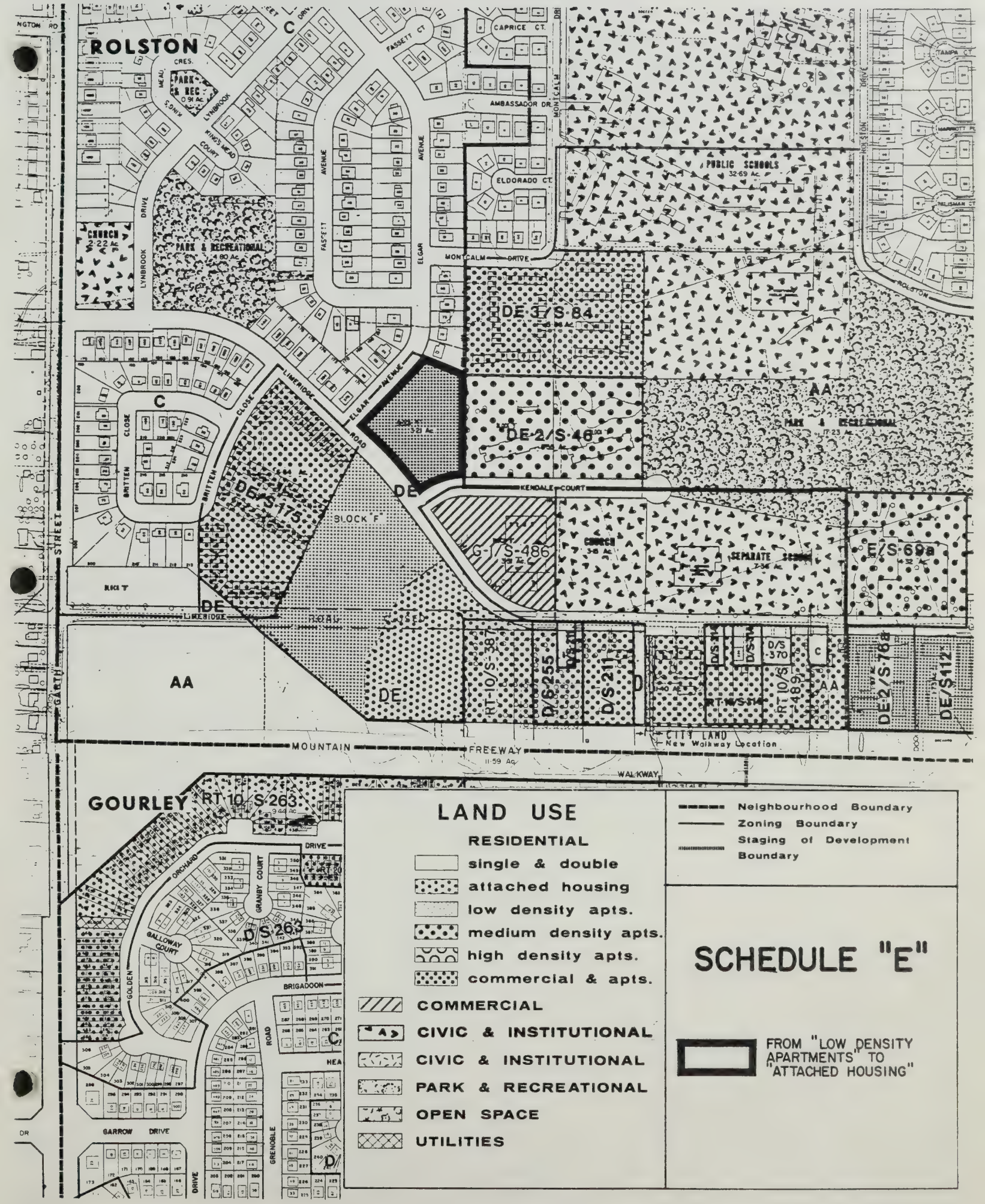
- Neighbourhood Boundary
- Zoning Boundary
- Staging of Development Boundary

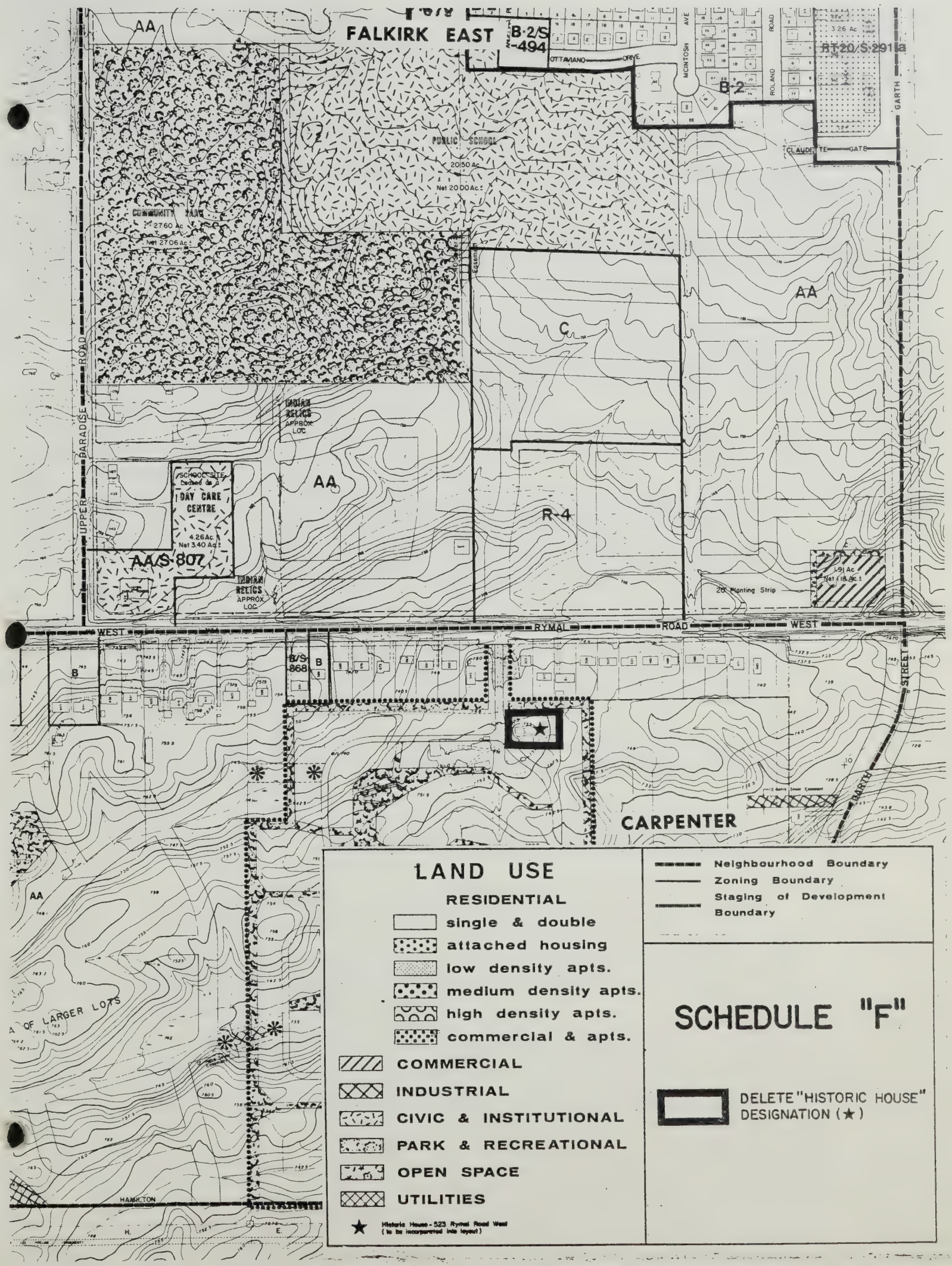
SCHEDULE "B"

BLOCK 1	FROM "ATTACHED HOUSING" TO "SINGLE AND DOUBLE"
BLOCK 2	FROM "LOW DENSITY APARTMENTS" TO "ATTACHED HOUSING"


LAWFIELD
BERRISFIELD
ARENA
PARK & RECREATIONAL
C/S-156
SEPARATE SCHOOL
D/S-156
G/S-156a
D/S-169
DE/S-236
D/S-165
E-2/S-165
DE-2/S-156b
6.05 Ac
PUBLIC SCHOOL
2.13 Ac
C/S 512
R-4
D/S-676
D/S-507
D/S-517a
C/S-636
DE/S-156
E-2/S-156
BLOCK 1
2.50 Ac
AA
DE
DE/S-165
MOUNTAIN
FREEWAY
9.00 Ac
8.73 Ac
4.90 Ac
16.30 Ac
D/S-400
D/S-337
RT-10/S-337
C/S-337
DE/S-226
E-2/S-226
9.45 Ac
D/S-226
QUINNDALE
RANDALL
6.60 Ac
SEPARATE SCHOOL
PARK & RECREATIONAL
5.42 Ac GROSS
5.02 Ac NET
PUBLIC SCHOOL
10.32 Ac
WATERMAIN EASEMENT
FOLKESTONE AVENUE
BEHAN STREET
BERYL ST.
LIMERIDGE
LEGGETT CRESCENT
ROBSON
ROSEWELL
RHODES COURT
MONTORO
QUEEN
GAGE AVENUE
UPPER
LAWSON
LOCKTON
LAWNHURST
LISA CT.
BOGART CT.
BACALL
BIRCHVIEW
BIRCHCLIFFE
BLOOR ST.
BASIN
THORLEY
EDWINA
FENENBURY
RAMA COURT
LAMBERT
LANIVIEW
10' Walkway
40' Sewer Easement
100' SEWER RIGHT OF WAY
LAND USE
RESIDENTIAL
single & double
attached housing
low density apts.
medium density apts.
high density apts.
commercial & apts.
COMMERCIAL
INDUSTRIAL
CIVIC & INSTITUTIONAL
PARK & RECREATIONAL
OPEN SPACE
UTILITIES
Neighbourhood Boundary
Zoning Boundary
Staging of Development Boundary
SCHEDULE "C"
BLOCK 1
FROM "MEDIUM DENSITY APARTMENTS" TO "ATTACHED HOUSING"


RANDALL
QUINNDALE
ELEANOR
TEMPLEMEAD
PARK & RECREATIONAL
PUBLIC SCHOOL
SCHOOL
CHURCH
BLOCK 1
BLOCK 2
D/S-400
C/S-337
RT-10/S-337
E-2/S-226
D/S-226
C/S-553
D/S-618
D/S-618a
RT-20
RT-30/1012
DE-3/S-368
C/S-328
RT-10/S-328
R-4/S-925
RT-10
RT-20/S-470
DE-2/S-251
RT-10/S-417
DE/S-226
D/S-329
D/S-282
D/S-629
RT-10/S-388
HH/S-887a
D/S-650
D/S-692a
Lmr-1/S-401
D/S-401
D/S-402
H/S-365
D/S-605
DE-3/S-389
D/S-281
STONE
ROAD
EAST
AVENUE
GAGE
VICTORIA
QUEEN
DRIVE
ELMORE
LOCONDER
QUAIL
RIDLEY
QUAKER
CRESCENT
ROWENA
COURT
RAVENBURY
ROBSON
ROSEWELL
ROXFORD
ROWAN
RANWOOD
RAMA
RONDEAU ST.
NORMALEAN
ENOLA
EAGLEWOOD
LEAWAY
EASTER
MENTINO
ELEANOR
STREET
ANNA CAPRI
RALEIGH
RAINHAM
QUINLAN
QUESTOR
RITA
EPIC PLACE
LAND USE
RESIDENTIAL
single & double
attached housing
low density apts.
medium density apts.
high density apts.
commercial & apts.
COMMERCIAL
INDUSTRIAL
CIVIC & INSTITUTIONAL
PARK & RECREATIONAL
OPEN SPACE
UTILITIES
MULTICENTRE
Neighbourhood Boundary
Zoning Boundary
Staging of Development Boundary
SCHEDULE "D"
BLOCK 1
FROM "ATTACHED HOUSING" TO "SINGLE AND DOUBLE"
BLOCK 2
FROM "LOW DENSITY APARTMENTS" TO "SINGLE AND DOUBLE"


ROLSTON
CRES.
PARK & REC. 0.91 Ac.
KINGS MEAD
LYNBROOK
KINGS MEAD COURT
LYNBROOK DRIVE
CHURCH 2.22 Ac.
PARK & RECREATIONAL 1.80 Ac.
C
FASSETT AVENUE
FASSETT CT.
CAPRICE CT.
AMBASSADOR DR.
MONTCALM DRIVE
ELDORADO CT.
ELGAR AVENUE
PUBLIC SCHOOLS 32.69 Ac.
TAMPA CT.
MARRIOTT PL.
NELSMAR
ROLSTON DRIVE
DE 3/S 84
DE 2/S 46
AA
PARK & RECREATIONAL 17.23 Ac.
LIMERIDGE CLOSE
LIMERIDGE ROAD
BRITTEN CLOSE
DE 1/S 175
BLOCK 'F'
KENDALE COURT
G-1/S-486
CHURCH 3.6 Ac.
SEPARATE SCHOOL 2.34 Ac.
E/S 69a
DE
AA
RT-10/S-387
D/S 255
D/S 21
D
D/S 370
C
RT-10/S-489
DE/S 768
DE/S 112
MOUNTAIN FREEWAY 11.59 Ac.
CITY LAND
New Walkway Location
WALKWAY
GOURLEY
RT 10/S 263
9.44 Ac.
ORCHARD DRIVE
GRANBY COURT
GALLOWAY COURT
GOLDEN
D/S 263
BRIGADOON ROAD
GARROW DRIVE
GRENOBLE
HEA
GARTH STREET
LAND USE
RESIDENTIAL
single & double
attached housing
low density apts.
medium density apts.
high density apts.
commercial & apts.
COMMERCIAL
CIVIC & INSTITUTIONAL
CIVIC & INSTITUTIONAL
PARK & RECREATIONAL
OPEN SPACE
UTILITIES
Neighbourhood Boundary
Zoning Boundary
Staging of Development Boundary
SCHEDULE "E"
FROM "LOW DENSITY APARTMENTS" TO "ATTACHED HOUSING"


FALKIRK EAST
B-2/S-494
OTTAVIANO DRIVE
MCINTOSH AVE
ROLAND ROAD
GARTH
RT20/S-291a
B-2
CLAUDETTE GATE
PUBLIC SCHOOL
20.50 Ac
Net 20.00 Ac±
COMMUNITY PARK
27.60 Ac
Net 27.06 Ac±
AA
C
R-4
UPPER PARADISE ROAD
INDIAN RELICS APPROX LOC
SCHOOL SITE Deeded as a DAY CARE CENTRE
4.26 Ac
Net 3.40 Ac±
AA/S-807
INDIAN RELICS APPROX LOC
1.91 Ac
Net 1.18 Ac±
20' Planting Strip
RYMAL ROAD WEST
B/S-868
B
CARPENTER
AA
OF LARGER LOTS
HAMILTON
H.
E.
LAND USE
RESIDENTIAL
single & double
attached housing
low density apts.
medium density apts.
high density apts.
commercial & apts.
COMMERCIAL
INDUSTRIAL
CIVIC & INSTITUTIONAL
PARK & RECREATIONAL
OPEN SPACE
UTILITIES
Historic House - 523 Rymal Road West (to be incorporated into layout)
Neighbourhood Boundary
Zoning Boundary
Staging of Development Boundary
SCHEDULE "F"
DELETE "HISTORIC HOUSE" DESIGNATION (★)

11.

FOR ACTION

FROM Planning and Development Department

DATE January 8, 1988

TO Planning and Development Committee

Refer To File No. ZA-87-118
GREENINGDON
NEIGHBOURHOOD

Attention Of V. J. Abraham

SUBJECT

Request for a modification to the established "C" (Urban Protected Residential, etc.) District regulations for property at No. 110 Mohawk Road East, as shown on the attached map. The purpose of the modification is to permit a hairdressing business operated as a home occupation by one person (the applicant) from within the dwelling.

RECOMMENDATION

That approval be given to Zoning Application 87-118, Cynthia Louise Crease, owner, requesting a modification to the established "C" (Urban Protected Residential, etc.) District to permit a hairdressing business as a "Home Occupation" use within a portion of a dwelling located at No. 110 Mohawk Road East, as shown on the attached plan marked as APPENDIX "A" on the following basis:

1. That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of By-Law No. 6593 applicable to the subject lands be modified to include the following variances as special requirements:

   That notwithstanding the provisions of Section 2.(2)(H)(iii)(f) and (H) of By-Law No. 6593, hairdressing shall be permitted as a home occupation:

   i) carried on by not more than one hairdresser having a principal and permanent place of residence on the premises; and,

   ii) providing for not more than one comb-out centre and one styling sink.

   That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on zoning District Map E-9 be notated S- ;

   That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9;

   That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a modification to the established "C" (Urban Protected Residential, etc.) District regulations applicable to property located at No. 110 Mohawk Road East as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit a hairdressing business as a home occupation for one hairdresser only. In addition, the By-law limits the hairdressing business to one comb-out centre and one hair styling sink.

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Cynthia Louise Crease, owner.

LOT SIZE AND AREA

- 15.24 m (50.0 ft.) of lot frontage on Mohawk Road East;
- 45.72 m (150.0 ft.) of lot depth; and,
- 696.75 m^2 (7,500 sq. ft.) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
SUBJECT LANDS	1 1/2 storey single-family dwelling	"C" (Urban Protected Residential, etc.) District
SURROUNDING LANDS		
To the north	Single family dwellings and a public works yard	"C" (Urban Protected Residential, etc.) District

To the south	Single-family dwellings	"C" (Urban Protected Residential, etc.) District
To the east	Superior Ambulance Station and single-family dwellings	"C" (Urban Protected Residential, etc.) District
To the west	Single-family dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN

Designated "Residential" the proposal complies.

NEIGHBOURHOOD PLAN

A Neighbourhood Plan is not available for the Greeningdon Neighbourhood.

BACKGROUND

- By-Law 81-20

  On January 13, 1981 City Council approved By-Law No. 81-20, which was approved by the Ontario Municipal Board on April 10, 1981. The effect of the By-law was to prohibit, among other uses, hairdressing and barbering as a "Home Occupation" use.

- Current Proposal

  The applicant has advised that she intends to use one room within the existing dwelling for the hairdressing business. The applicant was advised that should the application be approved it would be restricted in the amending By-law to the applicant who resides on the premises, with only one styling sink, one comb-out centre. Off-street parking can be provided on the site.

COMMENTS RECEIVED

- The Building Department has advised that:

  "the proposed use is contrary to Sections 3(3)(i) and 2(2)H(iii) of Zoning By-law No. 6593".

- The Traffic Department, Hamilton Region Conservation Authority, the Local Architectural Conservation Advisory Committee Staff have no comments or objections.

- The Hamilton-Wentworth Engineering Department has advised that:
  - "Public watermains as well as combined storm and sanitary sewers are available to serve the subject lands.
  - We do not anticipate any further road widenings at this time.
  - Comments from the City of Hamilton Traffic Department with respect to access, etc. should be taken into consideration.
  - Any work within the Mohawk Road road allowance must conform to the Region's Roads Use By-Law."

COMMENTS

1. The proposal complies with the Official Plan.

2. A Neighbourhood Plan is not available for the Greenington Neighbourhood.

3. Subsequent to the passing of By-law No. 81-20 (see Background), the Planning and Development Committee and City Council have approved a number of similar applications to establish "hairdressing" as a "Home Occupation", with limitations on the size of the operation, e.g. limited to one styling sink and one comb-out centre.

   It appears that these restrictions have effectively mitigated the problems previously associated with "hairdressing" as a "Home Occupation" in that no complaints have been received by the Building, Health, or Traffic Departments respecting the newly established operations.

4. Taking into consideration the foregoing and the fact that:

   (1) the business is only part-time in nature and is primarily related to the walk in trade from area residents;

   (2) the business will not alter the residential character of the existing dwelling;

   (3) the site in question has a long driveway and an accessory frame garage which can accommodate at least four off-street parking spaces.

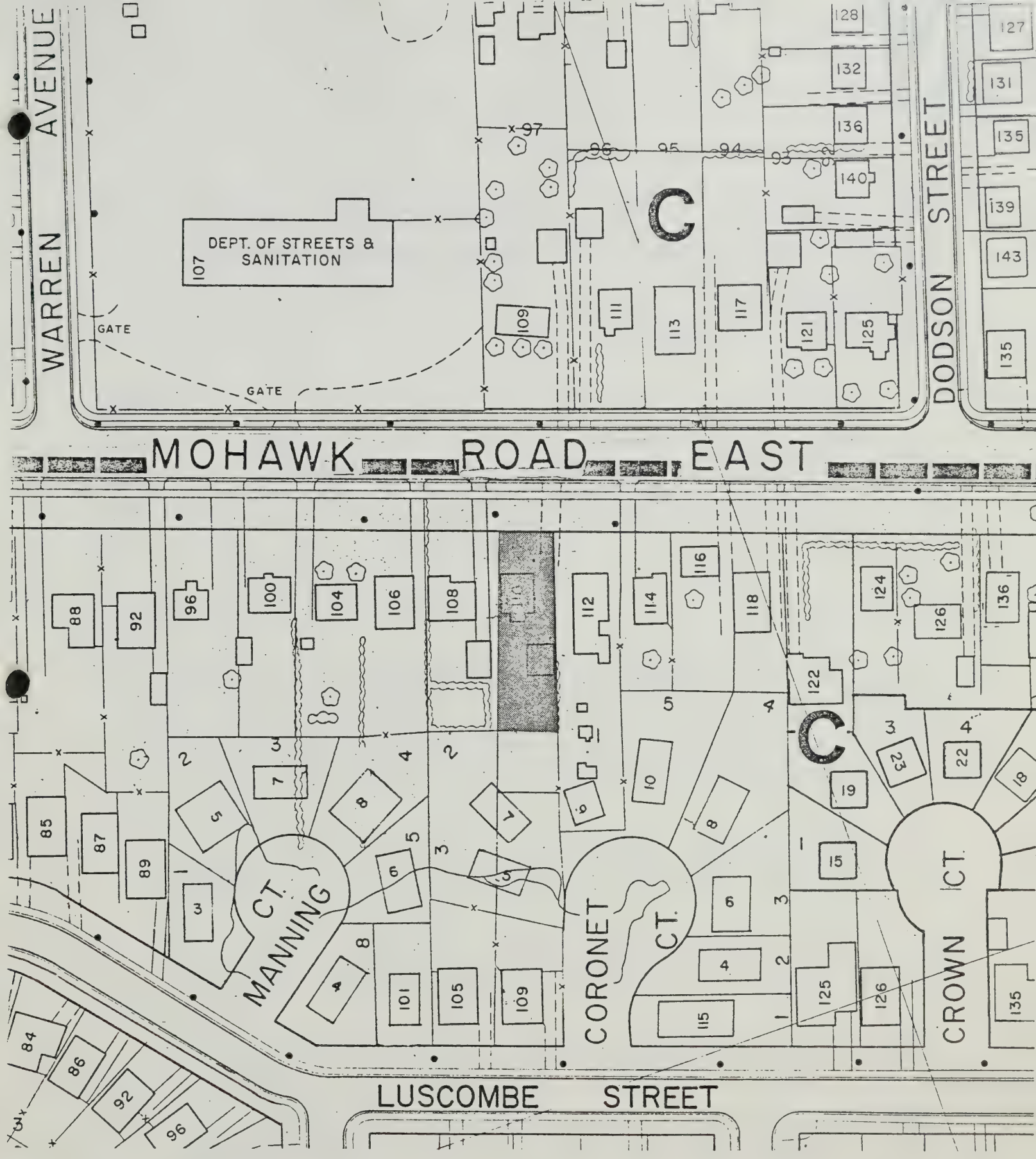
   The proposal merits consideration providing the operation is limited to one comb-out centre and sink with one hairdresser who resides on the site as his/her principal place of residence.

CONCLUSION

On the basis of the foregoing, the application can be supported.

G.A.W.:nd

W.P. DOC. 0060P



LEGEND

SITE OF APPLICATION

ZA-87-118

APPENDIX A

12.

FOR ACTION

FROM Planning and Development Department

DATE February 1, 1988

TO Planning and Development Committee

Refer to File No. ZA-87-122
CENTRAL
NEIGHBOURHOOD

Attention Of V. J. Abraham

SUBJECT

Request for a change in zoning from "L-c" (Planned Development - Commercial) District to "H" (Community Shopping and Commercial, etc.) District, modified for the property located at No. 94 Park Street North. The purpose of the proposed change in zoning is to permit the conversion of the existing building to a business office for a security and protection services and investigations firm.

RECOMMENDATION

1. That approval be given to Zoning Application 87-122, 566055 Ontario Inc., (V. Zipp, President), prospective owner, requesting a change in zoning from "L-c" (Planned Development - Commercial) District to "H" (Community Shopping and Commercial, etc.) District, modified to permit the conversion of the existing building to a business office for a security and protection services and investigations firm for the property located at No. 94 Park Street North, as shown on the attached map marked as APPENDIX "A", on the following basis:

   i) That the subject lands be rezoned from "L-c" (Planned Development - Commercial) District to "H" (Community Shopping and Commercial, etc.) District;

   ii) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:

      a) Notwithstanding Section 14(1) of By-law No. 6593, any use permitted within the "H" District shall be restricted to the existing building.

   iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map No. W-4 be notated S- ;

   iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-4;

v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of this by-law is to provide for a change in zoning from "L-c" (Planned Development - Commercial) District to "H" (Community Shopping and Commercial, etc.) District for the property located at No. 94 Park Street North.

The effect of the by-law is to permit the conversion of the existing building to a business office for a security and protection services and investigations firm.

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development.

APPLICANT

566055 Ontario Inc. (V. Zipp, President), prospective owner.

LOT SIZE AND AREA

- 10.36 m (34 feet) of lot frontage;
- 19.2 m (63 feet) of lot depth; and,
- 198.99 m^2 (2,142 square feet) of area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
SUBJECT LANDS	Partially Vacant Multiple Dwelling	"L-c" (Planned Development - Commercial) District
SURROUNDING LANDS		
To the North	Single Family Dwelling, Parking Lot	"L-c" (Planned Development - Commercial) District

	Existing Land Use	Existing Zoning
To the South	Parking Area	"H" (Community Shopping and Commercial, etc.) District
To the East	Multiple Dwellings	"L-c" (Planned Development - Commercial) District
To the West	Vacant One and Two Family Dwellings	"H" (Community Shopping and Commercial, etc.) District
		"L-c" (Planned Development -Commercial) District

OFFICIAL PLAN

The subject lands are designated "Central Policy Area" on Schedule "A". A wide variety of uses, including commercial, are permitted. Therefore, the proposal complies.

NEIGHBOURHOOD PLAN

The subject lands are designated "Commercial and Apartments" in the approved Central Neighbourhood Plan. The proposal complies with the intent of the Neighbourhood Plan.

CENTRAL AREA PLAN

The subject lands are designated as "Mixed Use" in the Central Area Plan. The proposal complies.

COMMENTS RECEIVED

- The Building Department, Traffic Department, Hamilton-Wentworth Engineering Department and the Hamilton Region Conservation Authority have no comments or objections.

COMMENTS

1. The proposal complies with the Official Plan and Central Area Plan, and complies with the intent of the approved Central Neighbourhood Plan.

2. The proposal can be supported for the following reasons:

   a) The site is located within the downtown area.

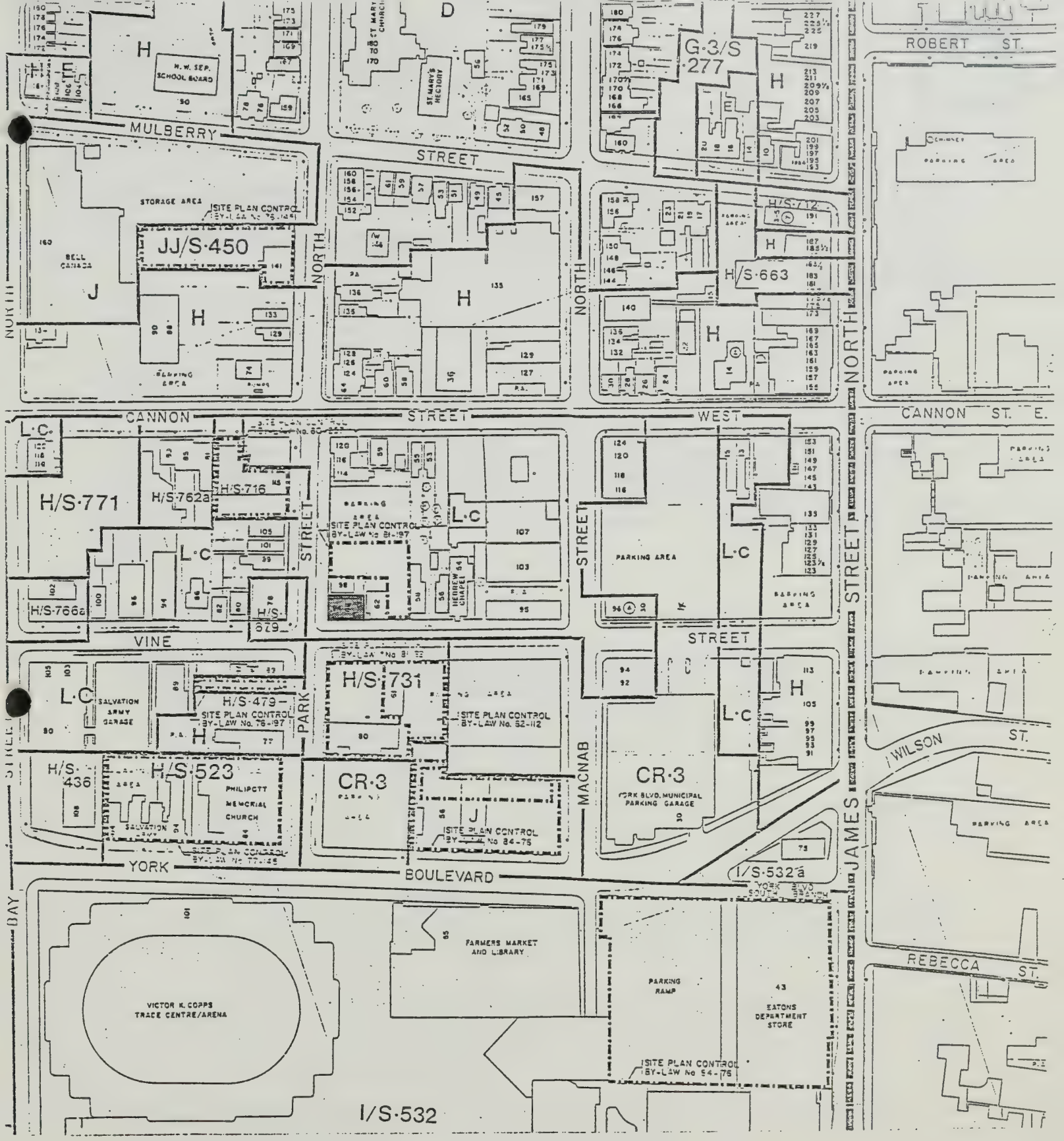
   b) The change in zoning is in accordance with the zoning districts permitted under the "L-c" designation.

   c) Since the block containing the subject lands is envisaged for future redevelopment on a comprehensive basis, it is appropriate to limit the commercial use to the existing building only.

CONCLUSION

Based on the foregoing, the proposal can be supported.

JH:cab.
0420P



LEGEND

SITE OF THE APPLICATION

ZA 87-122

APPENDIX A

13.

FOR ACTION

FROM Planning and Development Department

DATE February 2, 1988

TO Planning and Development Committee

Refer to File No. ZA-87-127
ELEANOR
NEIGHBOURHOOD

Attention Of V. J. Abraham

SUBJECT

Request for a change in zoning from "L-c" (Planned Development Commercial) District, modified to "G" (Neighbourhood Shopping Centre, etc.) District for properties located at No. 1526 and No. 1532 Upper Gage Avenue. The purpose of the application is to permit development of the subject lands for a shopping plaza having a gross floor area of approximately 2,810 m^2 (30,247 square feet).

RECOMMENDATION

1. That approval be given to Zoning Application 87-127, B. G. Schickendenz Investment Ltd. and 652921 Ontario Inc. (M. Kansun), owners, for a change in zoning from "L-c" (Planned Development - Commercial) District, modified, to "G" (Neighbourhood Shopping Centre, etc.) District for properties at No. 1526 and No. 1532 Upper Gage Avenue, as shown on the attached plan marked as APPENDIX "A" on the following basis:

   i) That the subject lands be rezoned from "L-c" (Planned Development - Commercial) District to "G" (Neighbourhood Shopping Centre, etc.) District;

   ii) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations as contained in Section 13 of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variance as a special requirement:

      a) A 3.0 m wide landscaped planting strip be established along the westerly property line adjoining the "D" residential district, and a 1.2m to 2.0 m high visual barrier be located within the landscaped planting strip.

   iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map No. E-38D be notated S- ;

   iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38D; and,

   v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "L-c" (Planned Development - Commercial) District to "G" (Neighbourhood Shopping Centre, etc.) District, modified for properties located at No. 1526 and No. 1532 Upper Gage Avenue as shown on the attached map.

The effect of the By-law is to permit the development of the subject lands for a shopping plaza having a total gross floor area of approximately 2,810 m^2 (30,247 square feet).

In addition, the By-law requires that a 3.0 m (9.84 feet) wide landscaped planting strip and a 1.2 m (3.04 feet) to 2.0 m (6.56 feet) high closed fence be established along and within the westerly property line adjoining the residential district.

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

B. G. Schickedenz Investments Ltd. and 652921 Ontario Inc. (Morris Kansun), owners.

LOTSIZE AND AREA

- 54.25 m (178 feet) of lot frontage on Upper Gage Avenue;
- 88.39 m (289.49 feet) of lot depth; and,
- 4,795.33 m^2 (51,618.22 square feet) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
SUBJECT LANDS	Single-family dwelling	"L-c" (Planned Development - Commercial) District

	Existing Land Use	Existing Zoning
SURROUNDING LANDS		
To the north	Vacant lands	"L-c" (Planned Development - Commercial) District
To the south	Single-family dwellings	"L-mr-1" (Planned Development - Multiple Residential) District
To the east	Single-family dwellings	"C" (Urban Protected Residential, etc.) District "AA" (Agricultural) District
To the west	Single-family dwellings	"D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District

OFFICIAL PLAN

Designated "Commercial", the proposal complies.

NEIGHBOURHOOD PLAN

Designated "Commercial" on the approved Eleanor Neighbourhood Plan, the proposal complies.

ECONOMIC FACTORS

The applicants have advised that the total cost of the project will be $1,000,000. It will create about 50 jobs, mainly from the City of Hamilton.

COMMENTS RECEIVED

- The Building Department, Hamilton Region Conservation Authority and the Local Architectural Conservation Advisory Committee have no comments or objections.

- The Traffic Department has advised that:

  "Our review of the preliminary plan indicates that a number of modifications are required. We recommend that the access be relocated to the northerly side of the property to line up with the aisle in the parking

area. In addition, the plan should be modified to provide the required loading spaces in accordance with the Zoning By-law 6593 and sufficient manoeuvering for semi-trailers to access the loading area. Further detailed review will be conducted during the site plan control stage of the development, assuming the zoning is approved."

o The Hamilton-Wentworth Engineering Department has advised that:

"...public watermains as well as separate storm and sanitary sewers are available to service the subject lands.

The designated road allowance width of Upper Gage Avenue is 36.58 m (120 feet). We recommend as a condition of approval, that sufficient lands be dedicated to the Region to accommodate this designation. This will establish the property line 18.29 m (60 feet) from the centreline of Upper Gage Avenue (Misc. Plan 831, P-3535). The plans submitted by the applicant should be revised tr reflect the road widening, and all setbacks should be taken from the widened street line. According to our records, this road widening is approximately 3.048 m (10 feet) in width.

Any work within the Upper Gage Avenue road allowance, as widened, must conform to the Regional Roads Use By-law.

The City of Hamilton Traffic Department will comment on detailed design of the access. We advise at this time, that the grade of the access onto Upper Gage Avenue between the ultimate curb/gutter line and the property line, as widened, should not exceed 3%. More detailed comments regarding access, culverts, driveway location, landscaping, etc. will be submitted and reviewed at the Site Plan stage.

Any roadway improvements on Upper Gage required as a result of this development will be at the expense of the owner/applicant. Also note, the reconstruction and widening of Upper Gage Avenue may include the construction of raised concrete median islands which could restrict access to the subject lands."

COMMENTS

1. The proposal complies with the Official Plan.

2. The proposal complies with the approved Eleanor Neighbourhood Plan.

3. The proposed land use and change in zoning from "L-c" (Planned Development - Commercial) District to a "G" (Neighbourhood Shopping Centre) District can be supported because it implements both the Official Plan and the approved Eleanor Neighbourhood Plan.

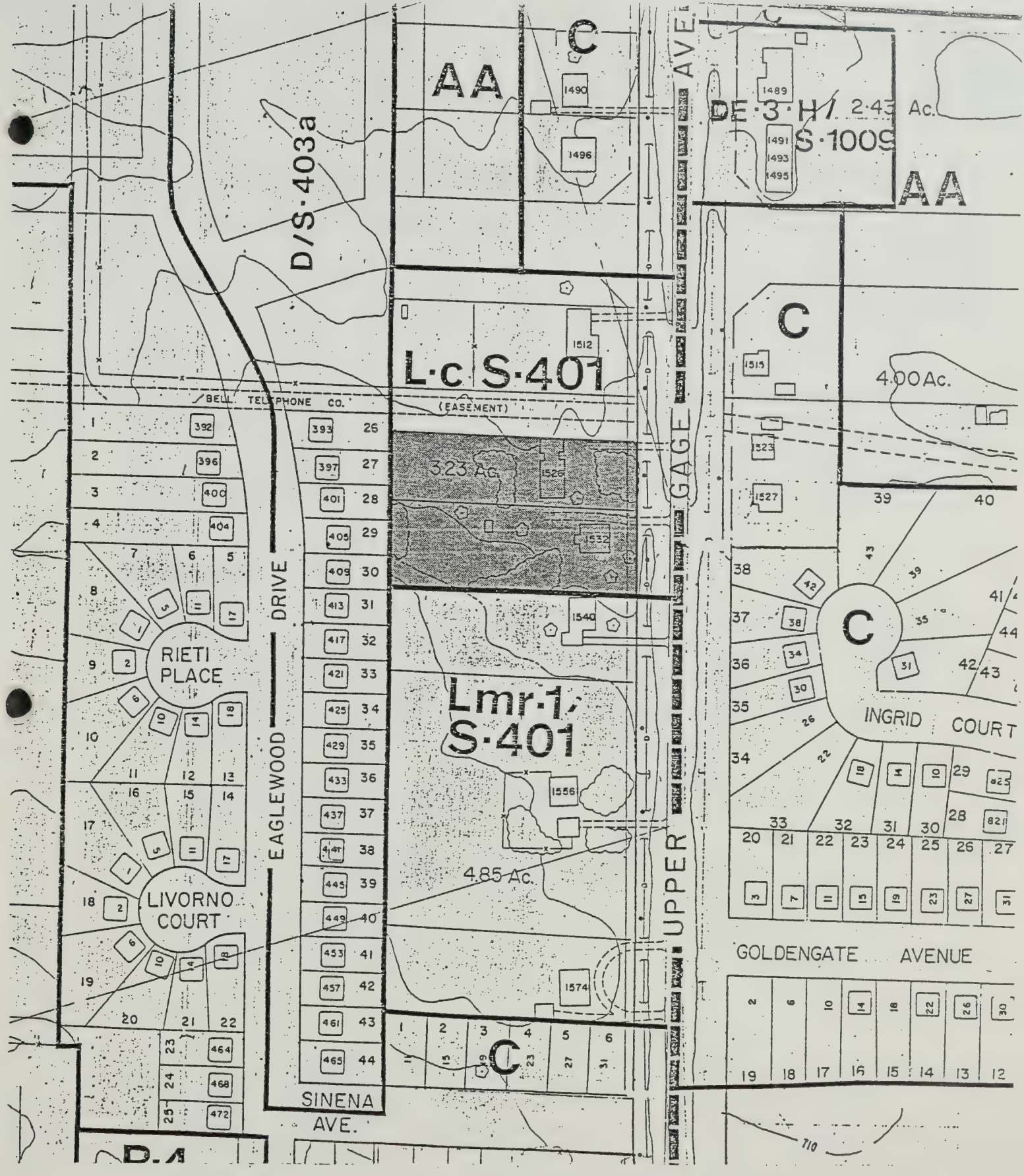
4. In order to ensure privacy and protection for the properties within the adjoining "D" (Urban Protected Residential - One and Two-Family, Townhouses, etc.) District, a 3.0 m (9.84 feet) wide landscaped planing strip be provided, and a 1.2 m (3.94 feet) to 2.0 m (6.56 feet) high visual barrier should be provided along the westerly lot line.

5. Development of the subject lands would be subject to the provisions of Site Plan Control By-law 79-275 which would require the submission of site plans for the approval of the Planning and Development Committee prior to the issuance of a building permit. In this regard, matters dealing with landscaping, grading, site layout, access driveway and manoeuvering systems, etc. will be reviewed.

CONCLUSION

On the basis of the foregoing, the application can be supported.

JH:cab.
0118P



LEGEND

SITE OF APPLICATION

ZA87-127

APPENDIX A

14.

FOR ACTION

FROM Planning and Development Department DATE February 1, 1988

TO Planning and Development Committee Refer to File No. ZA-87-126 TEMPLEMEAD NEIGHBOURHOOD

Attention Of V. J. Abraham

SUBJECT

Request for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for the rear lands located on the west side of Upper Ottawa Street, between the prposed extensions of Independence Drive and Templemead Drive. The purpose of the proposed change in zoning is to permit the development of the subject lands for six (6) single family dwelling lots.

RECOMMENDATION

1. That approval be given to Zoning Application 87-126, Joseph Casale, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the development of the subject lands for six (6) single family dwelling lots, for the rear lands located on the west side of Upper Ottawa Street, between the proposed extensions of Independence Drive and Templemead Drive, as shown on the attached map marked as APPENDIX "A" on the following basis:

   i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

   ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-44D; and,

   iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the by-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for the rear lands located on the west side of Upper Ottawa Street, between the proposed extensions of Independence Drive and Templemead Drive, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit the development of the subject lands for six (6) single family dwelling lots.

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Joseph Casale, owner.

LOT SIZE AND AREA

- 36.6 m (120.01 feet) of lot frontage on Templemead Drive.
- 36.6 m (120.01 feet) of lot frontage on Independence Drive.
- 2,788.91m^2 (30,020 square feet) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
SUBJECT LANDS	Vacant	"AA" (Agricultural) District
SURROUNDING LANDS		
To the north	Vacant	"C" (Urban Protected Residential, etc.) District
To the south	Vacant, Small Lot Single Family Detached Dwellings	"R-4" (Small Lot Single Family Detached) District
To the east	Roadway	"AA" (Agricultural) District
To the west	Vacant	"AA" (Agricultural) District

OFFICIAL PLAN

The subject lands are designated "Residential". The proposal complies.

NEIGHBOURHOOD PLAN

The subject lands are designated "Single and Double" Housing on the approved Templemead Plan. The proposal complies.

BACKGROUND

The applicant applied for and received approval (pending the rezoning approval) to sever the parcel for six (6) single family dwelling lots, three fronting on Templemead Drive and three fronting on Independence Drive.

COMMENTS RECEIVED

- The Traffic Department, Hamilton Region Conservation Authority and Building Department have no comments or objections.

- The Hamilton-Wentworth Engineering Department has advised that:

  "public watermains, as well a separate storm and sanitary sewers, are available on Templemead Drive to service the subject lands. Services are not available on Independence Drive, nor are they expected until late in 1988 or early 1989. The applicant is advised that, as a condition of approval, he will be required to enter into the appropriate agreements with the City and the Region for the recovery of municipal services, as well as the lifting of the one-foot reserves immediately adjacent to the east/west limits of the subject lands.

  We recommended in our comments to the Land Division Committee (H-153 to 155 - 87) that Parts 1, 2, 3, 4, 5, 6 and 12, (Plan 62R-6969) be conveyed to the City of Hamilton for Highway purposes."

COMMENTS

1) The proposal complies with both the Official Plan and the approved Templemead Neighbourhood Plan.

2) The proposal can be supported for the following reason:

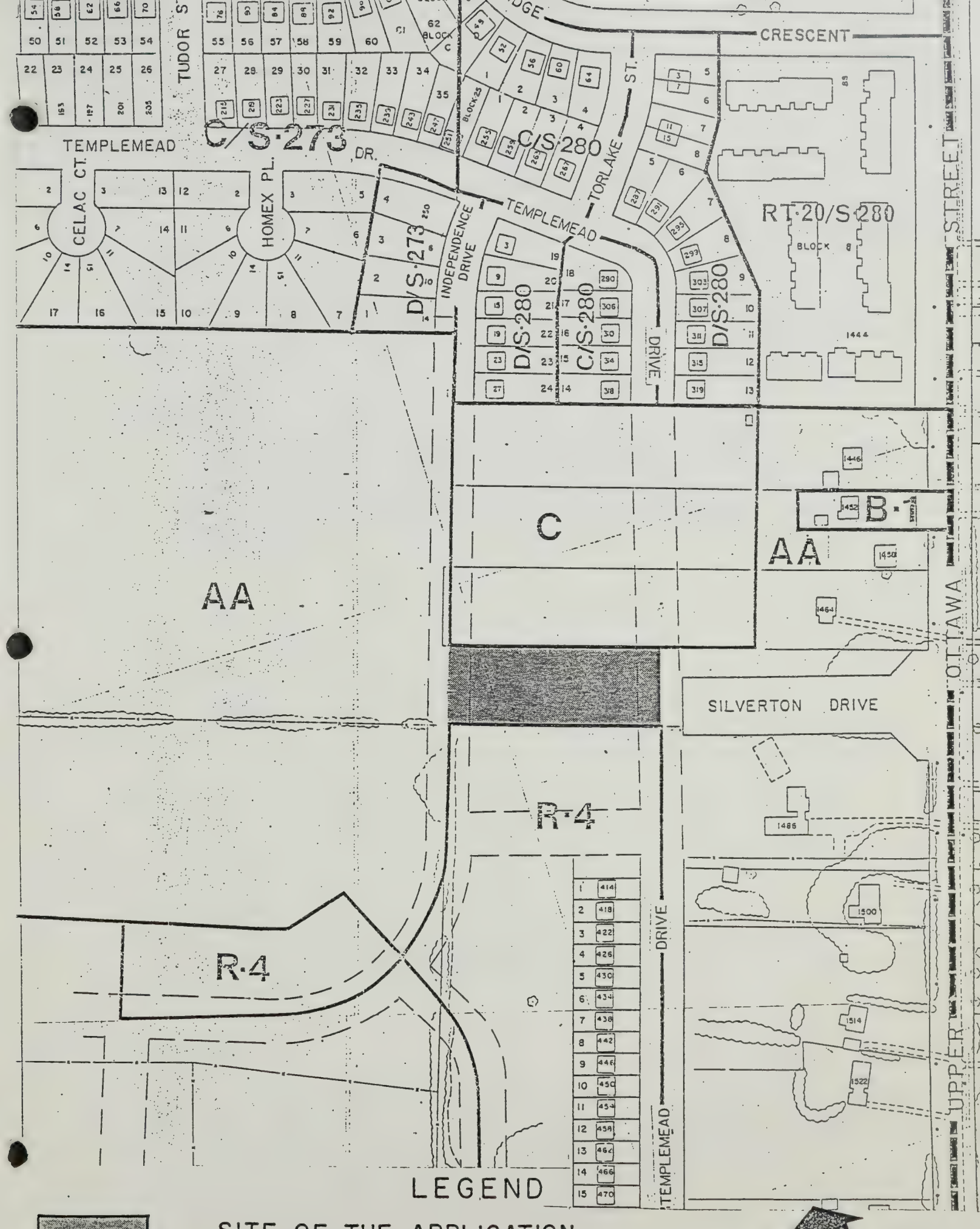
   a) It is compatible with the future and proposed single family dwellings in the surrounding area.

3) The conditions of the Engineering Department will be satisfied as part of the Land Division approval.

CONCLUSION

Based on the foregoing, the proposal can be supported.

JH:cab.
0420P


CRESCENT
TUDOR ST.
TEMPLEMEAD DR.
C/S·273
CELAC CT.
HOMEX PL.
D/S·273
INDEPENDENCE DRIVE
TEMPLEMEAD
C/S·280
TORLAKE ST.
D/S·280
C/S·280
D/S·280
DRIVE
RT·20/S·280
BLOCK 8
1444
STREET
OTTAWA
C
B·1
AA
AA
SILVERTON DRIVE
R·4
R·4
DRIVE
TEMPLEMEAD
UPPER
LEGEND
SITE OF THE APPLICATION
ZA87-126
APPENDIX A

15.

FOR ACTION

FROM: Planning and Development Department DATE: December 9, 1987

TO: Planning and Development Committee File No.: ZA-87-28

Attention Of: V. J. Abraham

SUBJECT

Request for a general amendment to the "A" (Conservation, Open Space, Park and Recreation) District and "AA" (Agricultural) District to restrict the range of permitted uses.

RECOMMENDATION

1. That Zoning Application ZA-87-28, John Norris, applicant, for a general amendment to the "A" (Conservation, Open Space, Park and Recreation) District and "AA" (Agricultural) District be tabled, pending the completion of a review of the "A" and "AA" District provisions by the Planning and Development Department in conjunction with other City Departments.

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

APPLICANT

John Norris.

AFFECTED LANDS

All lands in the City of Hamilton zoned "A" (Conservation, Open Space, Park and Recreation) District and "AA" (Agricultural) District, whether publicly or privately owned.

BACKGROUND

Following the recent OMB Hearing respecting the City's application for the approval of financing for the construction of the "West Mountain Twin Pad Arena", the applicant has raised concerns that the range of uses permitted as-of-right in the "A" (Conservation, Open Space, Park and Recreation) District and "AA" (Agricultural) District is too liberal.

More specifically, the applicant is concerned that property owners living within or adjacent to the "A" and "AA" Districts are not adequately protected against the establishment of a variety of uses (e.g. library, community centre, school, hospital, etc.), and the potential spill-over effects arising therefrom (e.g. traffic, parking, etc.). In addition, the applicant has indicated that the District titles ("Conservation, Open Space, Park and Recreation", and "Agricultural") are misnomers, in that they are not indicative of the wide range of uses that are permitted in each district.

Given these concerns, the applicant has initiated a general amendment to the "A" (Conservation, Open Space, Park and Recreation) District to, among other things, limit the floor area of community or recreation centres to 1,000 m^2 (10,764 sq. ft.). With respect to the "AA" (Agricultural) District, the applicant proposes to delete among other uses, the following:

- public hospitals;
- a children's residence;
- schools, colleges, universities, etc.;
- library, community centre, swimming pool, etc;
- fairground; and,
- livery stable, riding academy, kennel, etc.

COMMENTS

The applicant has raised some concerns that require further consideration. Given the potential effect of the requested amendment on extensive land holdings, both private and public, it would be premature to make a decision on the proposal without the benefit of an in-depth review of the "A" and "AA" Districts. In this regard, it would be appropriate to table the application pending the completion of a review of the said districts by the Planning and Development Department in conjunction with other City Departments (i.e. Building, Culture and Recreation, Public Works, etc.)

It is anticipated that a study of the "A" and "AA" Districts would take approximately 30 person days, and would involve the following:

- establish a land inventory (e.g. location, size, existing land use, ownership, etc.) for all lands zoned "A" and "AA";
- review uses and regulations in "A" and "AA" Districts;
- survey zoning regulations for similar uses in other Municipalities;
- liaise with affected City Departments and Public Agencies (e.g. Culture and Recreation Department, Conservation Authority, etc.); and,
- preparation of staff report.

The foregoing study may be completed in 1988, subject to the availability of staff.

PDM/dkp
WP 0021P

16.

FOR ACTION

FROM Planning and Development Department DATE November 24, 1987

TO Planning and Development Committee Refer to File No. ZA-87-83

STRATHCONA NEIGHBOURHOOD

Attention Of V. J. Abraham

SUBJECT

Request for a modification to the established "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations to permit conversion of the existing dwelling located at No. 270 Main Street West into a wearing apparel shop and retain the two apartment units over the shop.

RECOMMENDATION

That approval be given to Zoning Application 87-83, Antonio Mascia, owner, for a modification to the established "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations for property located at No. 270 Main Street West, as shown on the attached map marked as APPENDIX "A" on the following basis:

i) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variances as special requirements:

1. Notwithstanding Section 11(1) of By-law No. 6593, the ground floor of the existing dwelling may be converted to permit one of the following commercial uses in accordance with the provisions of Section 11A(ii):

- a tailor's shop;
- a dressmaker's establishment;
- a millinery shop;
- a wearing apparel workshop;
- an optician's office;
- a photographer's or artist's establishment;
- a beauty parlour;

i) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-12 be notated S- ;

ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-12;

iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a modification to the established "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations applicable to property located at No. 270 Main Street West as shown on the attached map marked as APPENDIX "A".

The intent of the By-law is to permit conversion of the ground floor of the existing dwelling located on the property to one of the following commercial uses:

- a tailor's shop;
- a dressmaker's establishment;
- a millinery shop;
- a wearing apparel workshop;
- an optician's office;
- a photographer's or artist's establishment;
- a beauty parlour;

V.J. Abraham, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

APPLICANT

Antonio Mascia, owner.

LOT SIZE AND AREA

- 10.64 m (34.92 ft.) of lot frontage on Main Street West;
- 21.95 m (72.0 ft.) average lot depth; and,
- 233.5 m^2 (2513.6 sq. ft.) average lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	2-1/2 storey three-family dwelling	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District
Surrounding Lands		
To the north	single family dwellings	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District and "D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District
To the south	converted dwellings (commercial/residential)	"D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District, modified
To the east	two apartment buildings	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District
To the west	multiple family dwellings	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District

OFFICIAL PLAN

Designated "Residential", the proposal complies.

NEIGHBOURHOOD PLAN

Designated for "Medium Density Apartments" on the approved Strathcona Neighbourhood Plan. In addition, the site is located within a special designation which permits boutique-type shops, studios, cafes, etc. The proposal complies with the approved Strathcona Neighbourhood Plan.

COMMENTS RECEIVED

- The Building Department has advised that:

  "The proposed use contravenes Section 11(1) of By-law No. 6593 with respect to the wearing apparel shop."

- The Hamilton-Wentworth Engineering Department had advised that:

  - "Public watermains as well as combined storm and sanitary sewers are available to service the subject lands."

The designated road allowance width of Main Street West is 26.21m (86 ft). This road widening policy is currently under review and it is anticipated that the cross section may be reduced to 24.0 m (78.7 ft). It is our understanding, that the applicant intends to incorporate this use into the existing building. We therefore recommend that the rezoning of this property pertain only to the existing buildings and that the owner be advised of the future road widening requirements (see Plan P906A).

However, should the existing buildings be removed or altered, we recommend that the road widenings be dedicated to the Region at this time. Development of the subject lands be set back from the widened limits of Main Street West as shown on the attached plan.

According to the attached Survey Plan, the existing steps at 270 Main Street West encroach into the Main Street West road allowance. We therefore recommend that either the steps be removed, or that the applicant enter into encroachment with the Region."

- The Traffic Department has advised that the application is satisfactory, subject to the provision of off-street parking in accordance with the Zoning By-law 6593.

- The Ministry of Transportation and Communications, Go Transit, The Hamilton Region Conservation Authority and the Local Architectural Conservation Advisory Committee Staff have no comments or objections to the proposal.

COMMENTS

1. The proposal complies with the Official Plan.

2. The proposal complies with the intent of the approved Strathcona Neighbourhood Plan.

3. The proposal has merit and can be supported for the following reasons:

   - it implements the intent of the Neighbourhood Plan to permit boutique-type development;

   - the site is situated in an area where a number of dwellings have already been converted to boutique uses;

   - the site fronts onto a major arterial road (Main Street West) and therefore is readily accessible to the public;

   - off-street parking is available in the rear yard for at least three cars;

   - as the commercial use would not exceed 450 m^2 (4,844 sq. ft.), off-street parking is not required for the commercial use.

4. With respect to the zoning modification, it is suggested that rather than limiting the use to only one as requested by the applicant, it would be more appropriate to provide a "short list" of uses in keeping with the intent of the approved neighbourhood plan. On this basis, it would provide the applicant with some flexibility as to the use of the building, and possibly eliminate the need for further rezoning. It is also suggested that the "E" District be modified to permit conversion of the ground floor of the existing building to permit a short list of commercial uses in accordance with the provision of Section 11A(iii):

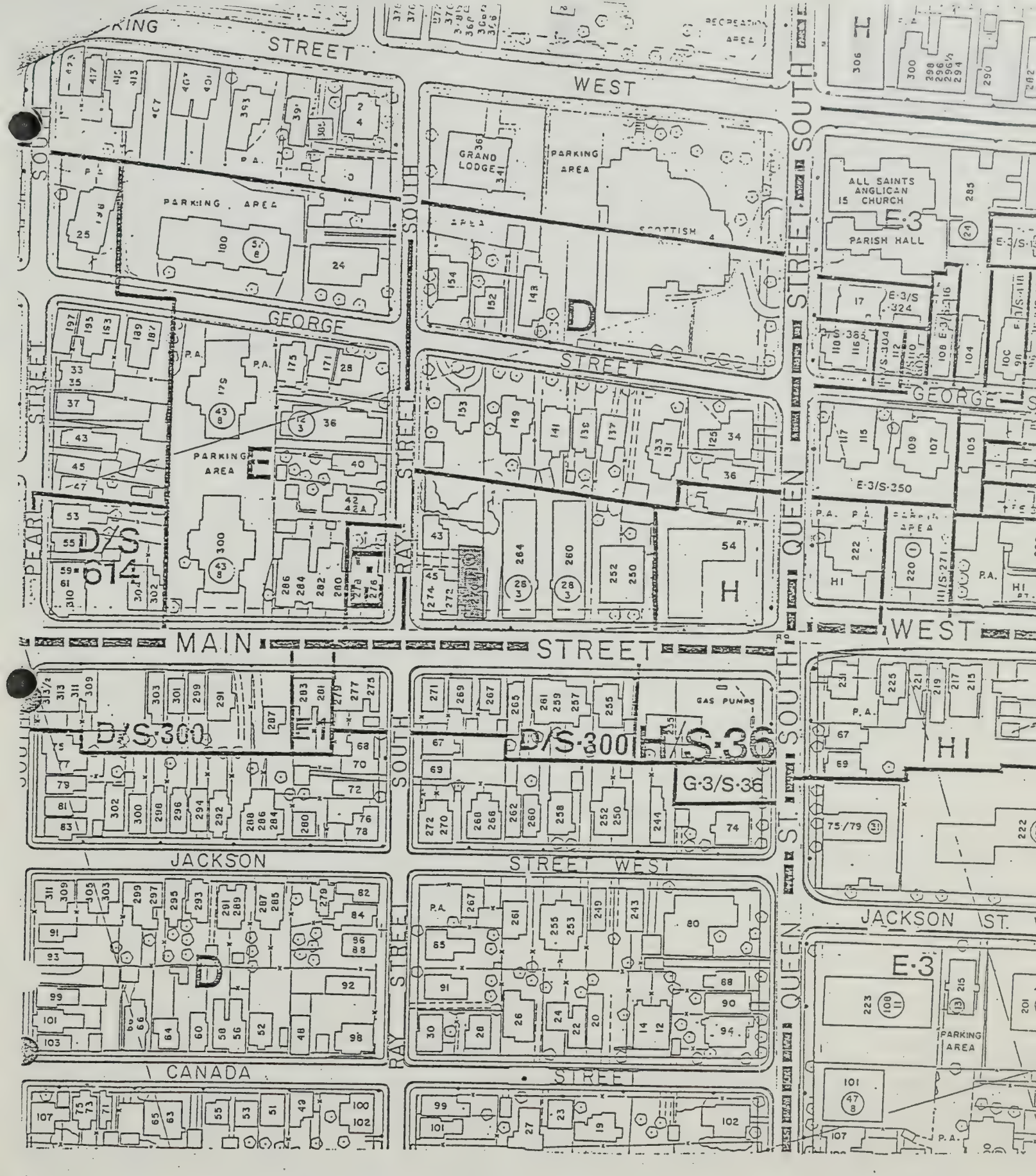
   - a tailor's shop;
   - a dressmaker's establishment;
   - a millinery shop;
   - a wearing apparel workshop;
   - an optician's office;
   - a photographer's or artist's establishment;
   - a beauty parlour;

   On this basis, the applicant would have flexibility in the types of uses permitted at this location, bearing in mind the intent of the approved Strathcona Neighbourhood Plan.

CONCLUSION

On the basis of the foregoing, the application can be supported.

GAW/sh/cs
Attach.



LEGEND

SITE OF THE APPLICATION

ZA-87-83

APPENDIX A

16a

Dec 07, 1987

PLANNING & DEVELOPMENT DEPT.
LOCAL PLANNING BRANCH
FILE NO. ZA 87-83

TO	STAFF INT.	INFO	ACT.
DIR.			
DP & A			
NEIGH.			
DEV.			
E. & U.D.			
S			
X			

Secretary - Planning and Development Committee

re: planning application file # ZA-87-83

Dear Sir/Madam;

I am requesting at this time for the following viewpoint opposing the modification at 270 Main Street West be forwarded to the Committee for the 3:00 Pm, Dec. 9 meeting.

As a nearby resident, I have seen the Main Street develop from resident & multi dwelling to retail & service usage. During each conversion residence parking has been reduced due to increases in the parking requirements of the businesses. No provisions are seem to be made by the applicants to support their own parking spaces for clients, creating undue pressure for residents to find alternate street parking when their vehicle is required.

At present, the residents of Jackson Street West from Queen St. to Ray St., found it necessary to apply for permit only parking. This same application is also being made by the residents of Ray Street S. from Jackson West to Main St. W. These requests have become necessary because retail operations are not providing parking, and secondly, there is no city operated parking area within a three block radius of our area.

I can appreciate new businesses wishing to begin in

the Ancaster Village Area, but I feel this cannot take place, nor should not, at the expense of residents own life style and concerns.

To close, I have a bad taste as to why the meeting is set for the afternoon, when working people cannot attend to voice their opinion. It leads one to believe that the interests of the area residents are of little to no concern. I can see no reason why they cannot be held in the evening or at the earliest 5 o'clock. If the afternoon is a mandatory time, then why even invite the public to attend, knowing they cannot.

Sincerely

Barry Reid

72 Kay Street South
Hamilton L8P 3V6

17.

FOR ACTION

FROM Planning and Development Department

DATE September 29, 1987

TO Planning and Development Committee

Refer To File No. ZA-87-98
GILKSON
NEIGHBOURHOOD

Attention Of V. J. Abraham

SUBJECT

Request for a modification to the established "G" (Neighbourhood Shopping Centre, etc.) District provisions for the property located at No. 1300 Garth Street. The purpose of the proposed modification is to permit a veterinarian clinic to locate within the existing commercial plaza.

RECOMMENDATION

That approval be given to Zoning Application ZA-87-98, Ardor Investments Limited, owner for a modification to the "G" (Neighbourhood Shopping Centre, etc.) District, to permit a veterinarian clinic to locate within the existing commercial plaza, for the property located at No. 1300 Garth Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations as contained in Section 13 applicable to the subject lands be modified to include the following variance:

   a) That notwithstanding Section 13(1), a veterinarian clinic shall be permitted within the existing commercial plaza.

ii) That the amending By-law be added to Section 13 of Zoning By-law No. 6593 as Schedule S - , and that the subject lands on Zoning District Map W-27D be noted S - ;

iii) That the City Solicitor be directed to prepare a By-law to amend zoning By-law No. 6593 and Zoning District Map W-27D;

iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of this By-law is to provide for a modification to the "G" (Neighbourhood Shopping Centre, etc.) District for the property located at No. 1300 Garth Street, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit a veterinarian clinic to locate within the existing commercial plaza.

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Ardor Investments Ltd., owner.

LOT SIZE AND AREA

- 59.45 m (195.05 ft.) of lot frontage on Garth Street;
- 80.44 m (263.9 ft.) of lot depth; and
- 4,896.57 m^2 (52,708 sq. ft.) of lot area

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
SUBJECT LANDS	Commercial Plaza	"G" (Neighbourhood Shopping Centre, etc.) District
SURROUNDING LANDS		
To the north and south	Row Housing	"DE" (Low Density Multiple Dwellings) District
To the east	Two Family Dwellings	"C" (Urban Protected Residential) District
To the west	Two Family Dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District

OFFICIAL PLAN

The subject lands are designated "Commercial" on Schedule "A". In addition, the lands also are located within Special Policy Area 22 on Schedule B-2 - Other Special Policy Areas which identifies the location of Neighbourhood Shopping Centers. As such, the proposal complies.

NEIGHBOURHOOD PLAN

The subject lands are designated "Commercial" in the approved Gilkson Neighbourhood Plan. The proposal complies with the Approved Neighbourhood Plan.

COMMENTS RECEIVED

- The Building Department has advised that:

  "The proposed use is not a permitted use."

- The Local Architectural Conservation Advisory Committee, Department of Health Services, Hamilton Region Conservation Authority and the Traffic Department have no comments and/or objections.

- The Hamilton-Wentworth Engineering Department has advised that:

  "public watermains, as well as separate storm and sanitary sewers are available to service the subject lands;

  all widenings and the daylight triangle have previously been acquired;

  no further road allowance widenings are anticipated; and that

  any work within the adjacent road allowances must conform to the respective Streets By-laws."

COMMENTS

1. The proposal complies with the intent of the Official Plan.

2. The proposal would not conflict with the intent of the approved Gilkson Neighbourhood Plan.

3. The proposal has merit and can be supported for the following reasons:

   a) It would be compatible with the existing commercial uses in the existing plaza;

b) It will be located on a major arterial road (Garth Street); and

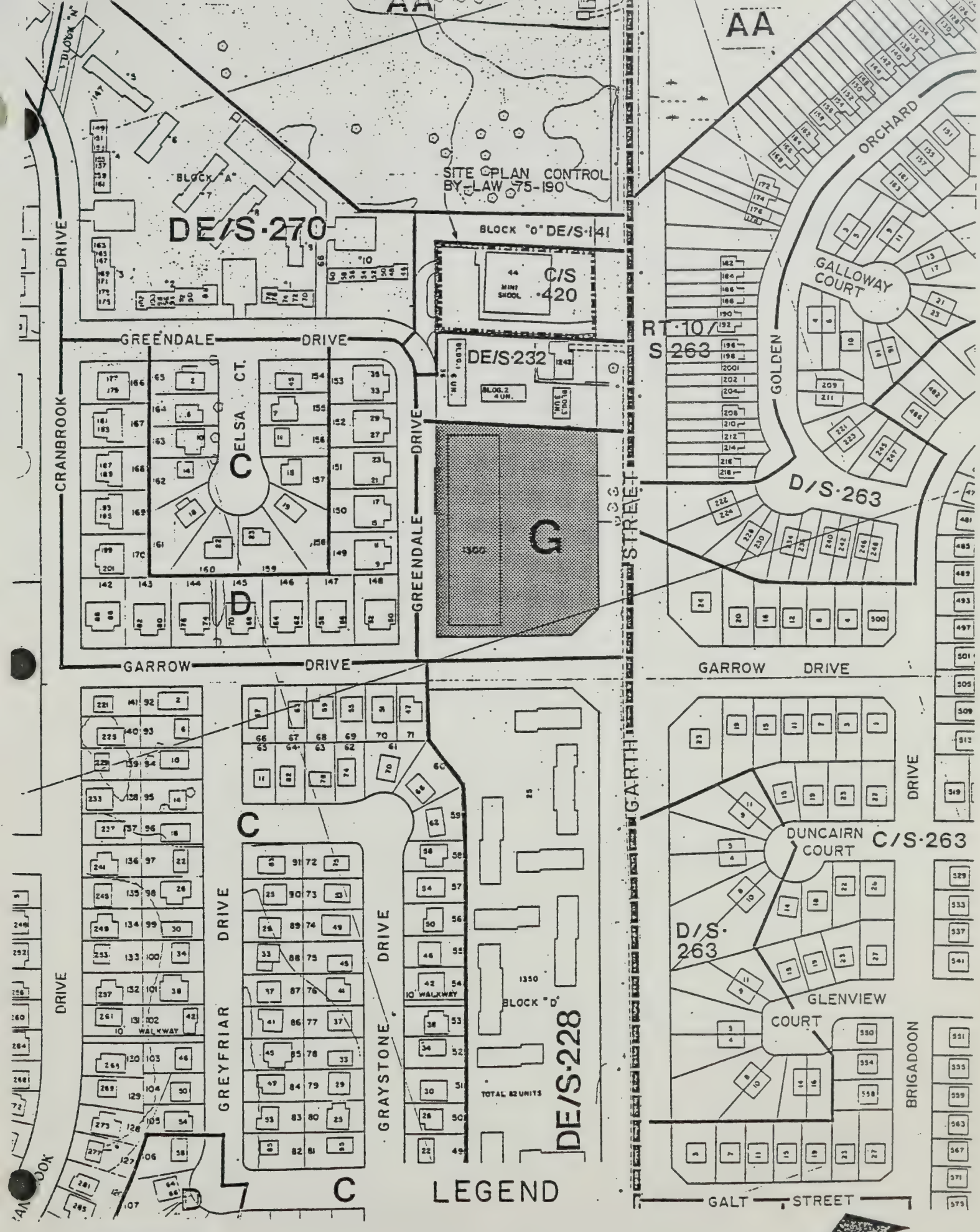
c) The site in question has been used for commercial purposes for a number of years.

CONCLUSION

On the basis of the foregoing, the application can be supported.

B.K.:nd

W.P. DOC. 0463P


AA
SITE PLAN CONTROL BY-LAW 75-190
BLOCK "A"
DE/S·270
BLOCK "O" DE/S·141
C/S ·420
MINI SKOOL
DE/S·232
BLDG.2 4 UN.
RT·10/S 263
D/S·263
GREENDALE DRIVE
CRANBROOK DRIVE
ELSA CT.
GREENDALE DRIVE
GARROW DRIVE
GARTH STREET
ORCHARD
GOLDEN
GALLOWAY COURT
DUNCAIRN COURT
C/S·263
GLENVIEW COURT
BRIGADOON
GREYFRIAR DRIVE
GRAYSTONE DRIVE
BLOCK "D"
DE/S·228
TOTAL 82 UNITS
10' WALKWAY
GALT STREET
LEGEND
SITE OF THE APPLICATION
ZA 87-98
APPENDIX A

FOR ACTION

18.

FROM Planning and Development Department

DATE January 20, 1988

TO Planning and Development Committee

Refer to File No. ZA-87-119 BRULEVILLE NEIGHBOURHOOD

Attention Of V. J. Abraham

SUBJECT

Request for a further modification to the established "HH" (Restricted Community Shopping and Commercial, etc.) District regulations applicable to property at Nos. 986 to 998 Upper Wentworth Street. The purpose of the application is to permit a restaurant and tavern use which is prohibited.

RECOMMENDATION

1. That Zoning Application 87-119, 645437 Ontario Limited, Aaron Barzilay, owner, requesting a further modification to the Established "HH" (Restricted Community Shopping and Commercial, etc.) District regulations to permit a restaurant and tavern on property at Nos. 986 to 998 Upper Wentworth Street be tabled for the following reasons:

   i) It is contrary to the Official Plan (i.e., O.P.A. 31) which specifically prohibits high traffic generating uses such as restaurants and taverns from locating on, among others, the subject lands;

   ii) It is contrary to the approved Bruleville Neighbourhood Plan;

   iii) No new evidence has been provided to justify changes to the established policy of City Council;

   iv) Approval of this application would establish an undesirable precedent and set the stage for future similar applications; and,

   v) It could prejudice the results of a land use study currently underway regarding properties located on the west side of Upper Wentworth, south of Mohawk Road.

2. That the Traffic Department be directed to review the policy related to the prohibition of high traffic generating uses within the area along both sides of Upper Wentworth Street between Mohawk Road and Limeridge Road and report to the Planning and Development Committee with recommendations.

V. J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development

J. D. Thoms, M.C.I.P.
Commissioner

APPLICANT

645437 Ontario Limited, Aaron Barzilay, owner

LOT SIZE AND AREA

- 60.96m (200.0 feet) of lot frontage on Upper Wentworth Street;
- 130.787m (429.0 feet) of lot depth; and,
- 7,972m^2 (85,812.70 square feet) of lot area.

LAND USE AND ZONING

	EXISTING LAND USE	EXISTING ZONING
SUBJECT LANDS	Shopping Centre	"HH" (Restricted Community Shopping and Commercial, etc.) District, modified
SURROUNDING LANDS		
To the north	Parking Lot for Toys "R" Us store	"G-1" (Designed Shopping Centre, etc.) District
To the south	Retail Stores and a Car Dealership	"HH" (Restricted Community Shopping and Commercial, etc.) District, modified
To the east	Lime Ridge Mall	"G-2" (Regional Shopping Centre, etc.) District
To the west	Small lot single-family dwellings and Toys "R" Us store	"D" (Urban Protected Residential One and Two-Family Dwellings, Townhouses, etc.) District and "G-1" (Designed Shopping Centre, etc.) District

OFFICIAL PLAN

Designated "Commercial" on Schedule "A" on the Land Use Concept Plan of the Official Plan, and located within SPECIAL POLICY AREA 33 on Schedule "B" - Special Policy Areas of the Official Plan.

Regarding Special Policy Area 33, the following policy applies to the proposal:

A.2.9.3.28 Notwithstanding the permitted uses set out in Subsection A.2.2 (Commercial Uses) for those lands shown on Schedule "B"

as SPECIAL POLICY AREA 33, high traffic generating commercial and public uses, such as restaurants, and other places of assembly, will be prohibited. Further, it is intended that the number of new vehicular accesses onto Upper Wentworth Street from the affected lands will be limited.

The proposal to locate a new restaurant and tavern within the subject shopping centre directly contravenes the provisions of SPECIAL POLICY AREA 33 of the Official Plan. In this respect, the application does not comply and therefore, would involve an Official Plan Amendment.

NEIGHBOURHOOD PLAN

The subject lands are designated "Commercial" on the approved Bruleville Neighbourhood Plan, and are situated within the area specifically notated on the approved plan that prohibits high traffic generator type uses such as restaurants. The proposal does not comply with the intent of the approved Bruleville Neighbourhood Plan.

BACKGROUND

Current Application

The applicant has advised that, "a restaurant and tavern would draw its support from employees and patrons of existing businesses in the immediate area. Traffic would be drawn from background traffic on Upper Wentworth Street and King Fisher Drive. A restaurant is required as an anchor tenant for the shopping centre. Shared parking and access have been arranged with the adjoining land owner." In this regard, the applicant has indicated in Part 7 of the Zoning Application that there is a reciprocal shared parking and access agreement with Toys "R" Us (Canada) Ltd. for a period of 21 years less a day. The applicant has provided a letter from his traffic consultant, R. E. Winter & Associates, to verify this information. (See APPENDIX D attached.)

Previous Proposals to Establish Restaurant and Tavern Uses

- There is a lengthy history of applications concerning the location of restaurants on Upper Wentworth Street in the area south of Mohawk Road East. In total, seven applications to permit restaurants were not supported by either the Planning Department or the Traffic Department and are summarized below. Six of the applications were subsequently denied by City Council and one application (ZA-86-62) was tabled at the request of the applicant.

  Regarding the first five applications, the Traffic Department, in their letter of June 14, 1985, included the following comment:

  "1. The land uses which we recommend be prohibited from the newly-designated commercial land parcels on Upper Wentworth Street are those contained in Section 4(f) of Table 1 of Section 18A of Zoning By-law 6593; specifically, 'Tavern, Public House, Beverage Room, Restaurant, Theatre, Cinema, and any place of assembly for commercial

use.' We recommend that these uses be prohibited because the potential trip generation rates for these uses can be very high, and further, that they can occur during street peak hours. The impact of both of these factors was addressed in our letter to you on 'Lands Along Upper Wentworth Street Between Mohawk Road and Limeridge Road', dated 1985 April 18."

(For full comments, see the attached letters APPENDICES B and C.)

Six of the applications were subsequently denied by City Council, and one application (ZA-86-62) was tabled at the request of the applicant (E. Monkley, Block "1" on APPENDIX A-1).

Zoning Application	Site Location (See Appendix A-1)	Applicants
ZA-83-59	Block 2	L.P.B. Brown
ZA-80-11	Block 5	426337 Ontario Limited
ZA-80-66	Block 3	Isobel Forrester and authorized adjoining owners
ZA-80-70	Block 1	Gordon and Mary Eaton
ZA-80-79	Block 1	E. Monkley
ZA-80-82	Block 2	Abbotsford Homes Ltd.

- Site Specific By-laws

On August 27, 1985, City Council passed By-law 85-171 applicable to lands located on the west side of Upper Wentworth Street (Blocks 2 and 3 on APPENDIX A-1), and By-law 85-172 applicable to lands located on the east side of Upper Wentworth Street (Block 1 on APPENDIX A-1) which rezoned the sites to "HH" (Restricted Community Shopping and Commercial, etc.) District, modified. Among other restrictions, the By-laws prohibited restaurant and tavern uses. (See copies of By-laws attached.)

- Review of Land Use Designations for Bruleville and Thorner Neighbourhoods along both sides of Upper Wentworth Street between Mohawk Road and Limeridge Road

The Planning Department was requested by the Planning and Development Committee, on April 19, 1981, to review Land Use designations along Upper Wentworth Street between Mohawk Road and Limeridge Road. The review was requested because of the number of rezoning applications received over a period of time to permit commercial development, which included restaurants. The review of the zoning applications noted above were delayed pending the outcome of an Ontario Municipal Board Hearing related to the former Loblaw site rezoning (Toys "R" Us) site. As part of the review, the Planning Department was directed to consult with the City

Traffic Department regarding traffic analysis. As a result of the study, City Council, on June 25, 1985, adopted a recommendation of the Planning and Development Committee to amend the Bruleville and Thorner Neighbourhood Plans (see APPENDIX A-2). The amended plan includes the following special requirements:

1. that commercial uses should not include high traffic generators such as restaurants;

2. that the number of new accesses onto UpperWentworth Street be minimized; and,

3. that Site Plan Control apply.

On July 30, 1985, City Council adopted Official Plan Amendment No. 31 to redesignate the subject lands to "Commercial" and to establish a Special Policy Area to further regulate the use of lands in this area by prohibiting high traffic generating commercial uses such as restaurants and other places of assembly. On January 8, 1986, the Amendment was approved by the Minister of Housing.

COMMENTS RECEIVED

- The Building Department has advised that:

  "The proposed uses of a restaurant and tavern are prohibited as per the special requirements of By-law 85-171."

- The Traffic Department has advised that the application is satisfactory.

- The Hamilton-Wentworth Engineering Department has advised that:

  - full municipal water and sewer services are available;
  - no further road widenings are anticipated at this time; and,
  - any work within the Upper Wentworth Street road allowance, as widened, must conform to the Region's Road Use By-law.

- The Local Architectural Conservation Advisory Committee staff and the Hamilton Region Conservation Authority staff have no comments or objections.

COMMENTS

1. The proposal does not comply with the City of Hamilton Official Plan.

2. The proposal does not comply with the Approved Bruleville Neighbourhood Plan.

3. There is insufficient data provided by the applicant's traffic consultant to determine the traffic impacts of the development on the roadway system.

4. The proposal cannot be supported for the following reasons:

   i) It is contrary to adopted Council Policy (i.e., O.P.A. 31 and By-law 85-171) which specifically prohibits high traffic generating uses such as restaurants and taverns from locating on, among others, the subject lands;

   ii) Regarding previous applications to permit restaurant or tavern uses within the area south of Mohawk Road East on both sides of Upper Wentworth Street, both the Traffic Department and the Planning Department have been consistent in their recommendations to prohibit such uses;

   iii) No new evidence has been provided by the Traffic Department at this time to jusfity changes to established Council Policy for commercially-zoned lands fronting onto both sides of Upper Wentworth Street in the area south of Mohawk Road East; and,

   iv) Approval of this application would establish an undesirable precedent and set the stage for future similar applications.

5. Should the Planning and Development Committee decide to give further consideration to the application, it is suggested that the application be tabled, pending:

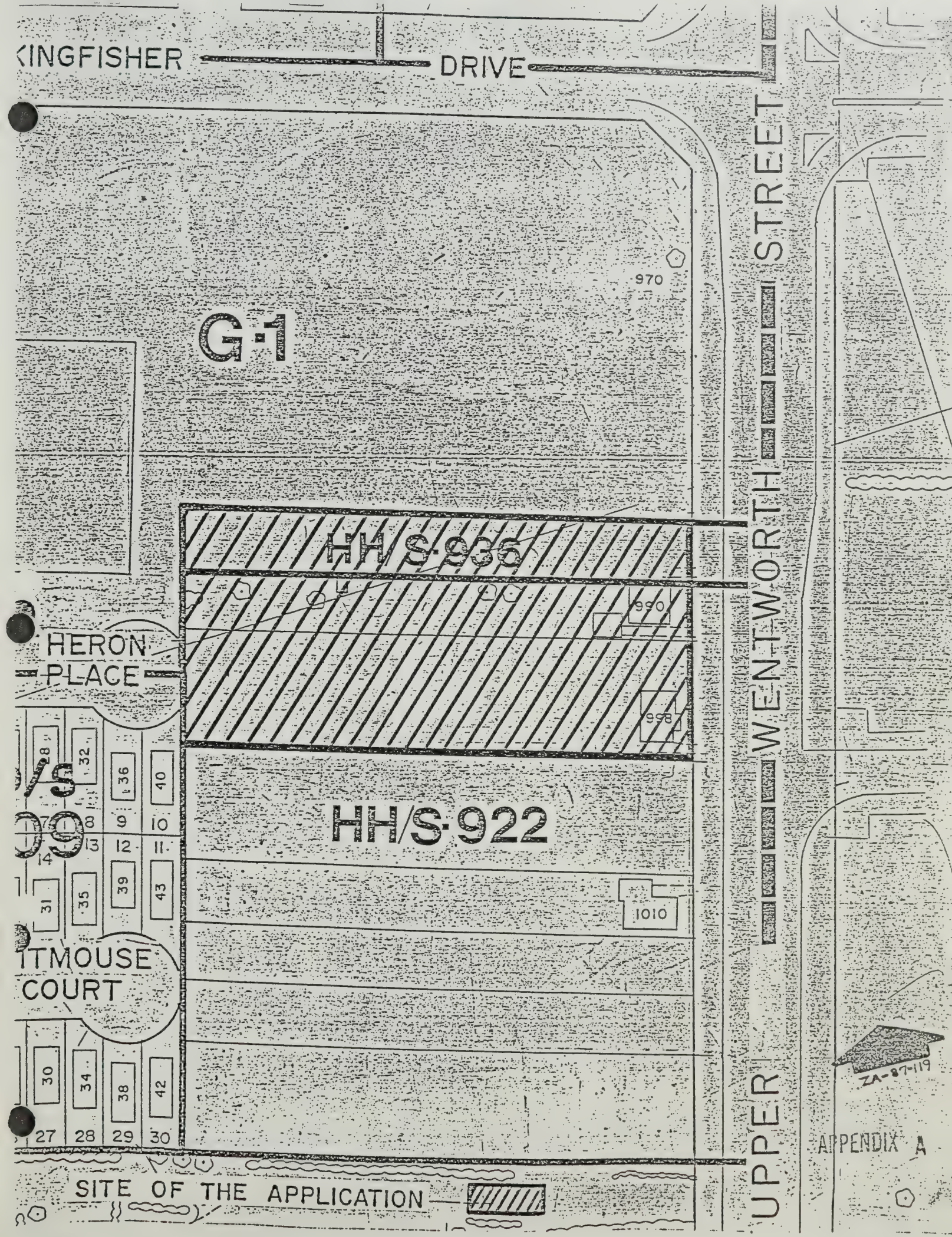
   a) the outcome of a study currently underway related to properties located on the west side of Upper Wentworth Street between Mohawk Road and Kingfisher Drive; and,

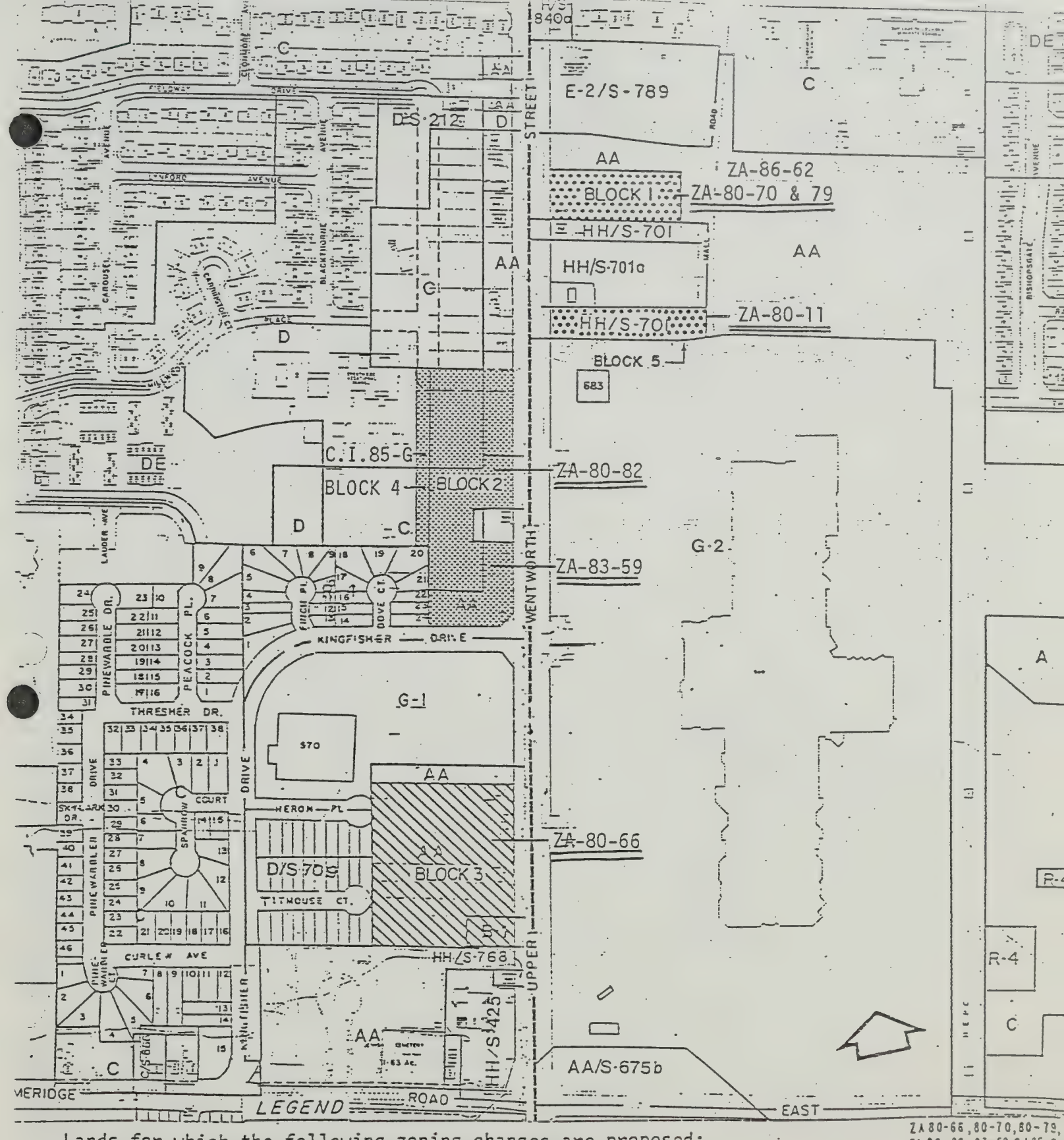
   b) a Traffic Department review of the policy related to high traffic generating uses within the entire area along Upper Wentworth Street between Mohawk and Limeridge Roads.

CONCLUSION

On the basis of the foregoing, the application cannot be supported.

GAW:cab.
0118P


KINGFISHER DRIVE
UPPER WENTWORTH STREET
970
G-1
HH/S-936
990
998
HERON PLACE
HH/S-922
1010
ITMOUSE COURT
ZA-87-119
APPENDIX A
SITE OF THE APPLICATION



ZA 80-66, 80-70, 80-79,
ZA 80-82, 83-59, C.I.85-G

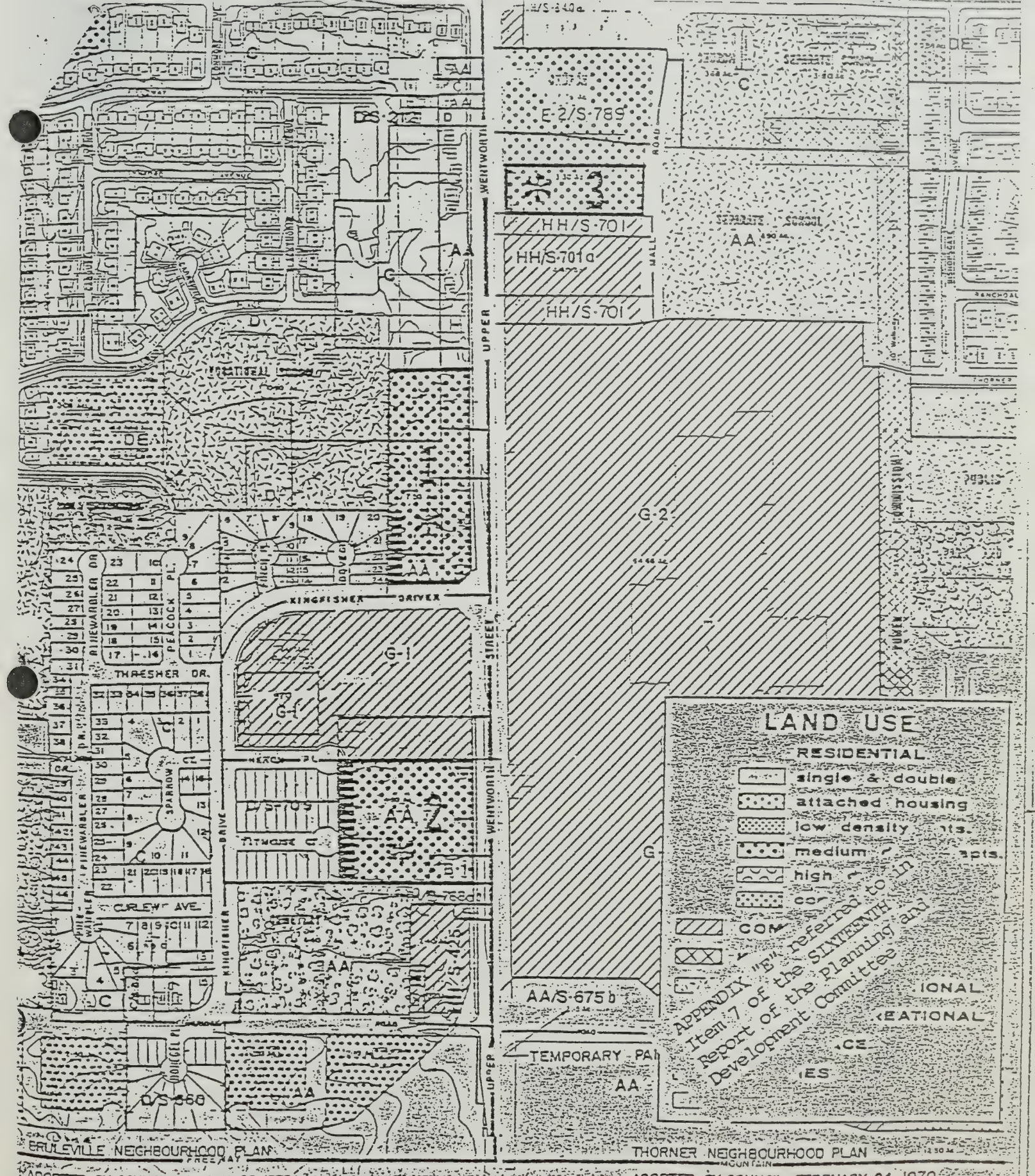
Lands for which the following zoning changes are proposed:

CKS 145 From "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District

CK 4 From "AA" (Agricultural) District, "C" (Urban Protected Residential, etc.) District and "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "HH" (Restricted Community Shopping and Commercial) District

CK 3 From "AA" (Agricultural) District and "B-1" (Suburban Agriculture and Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District

APPENDIX A-



JECT SITES D-15

PROPOSED NEIGHBOURHOOD PLAN CHANGE FROM "MEDIUM DENSITY APARTMENTS" TO "COMMERCIAL"

PROPOSED 10' WIDE BUFFER

* HIGH TRAFFIC GENERATORS SUCH AS RESTAURANTS WILL NOT BE PERMITTED

APPENDIX A2

THE CORPORATION OF THE CITY OF HAMILTON
City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

DEVELOPMENT DIVISION				
FILE NO.				
RECEIVED JUN 18 1985				
TO		INIT.	ACT.	INFO.
	DIRECTOR			
√	LAND USE MANAGER			
	LAND DEV. MANAGER			
√	STAFF	GW.		

1985 June 14

Mr. V.J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

Att: Mr. G.A. Whitehouse

Re: Upper Wentworth Street Between Mohawk and Limeridge Roads

Dear Sir:

In response to your memo of 1985 June 07 requesting a list of uses which, in our opinion, should be prohibited in newly-designated commercial land parcels, and also in response to your memo of 1985 June 10 requesting an update on our comments on Zoning Applications 80-66, 70, 79, 82 and 83-59, we are pleased to report as follows:

1. The land uses which we recommend be prohibited from the newly-designated commercial land parcels on Upper Wentworth Street are those contained in Section 4(f) of Table 1 of Section 18A of Zoning By-law 6593; specifically, "Tavern, Public House, Beverage Room, Restaurant, Theatre, Cinema, and any place of assembly for commercial use." We recommend that these uses be prohibited because the potential trip generation rates for these uses can be very high, and further, that they can occur during street peak hours. The impact of both of these factors was addressed in our letter to you on "Lands Along Upper Wentworth Street Between Mohawk Road and Limeridge Road", dated 1985 April 18.

2. Our previous comments on the five Zoning Applications are largely no longer relevant, as they dealt with the general issue of whether or not commercial uses should be permitted at all. As a result of the Planning and Development Committee meeting on 1985 May 15, the Bruleville and Thorner Neighbourhood Plans have been modified to show commercial designations on the lands subject to the five Zoning Applications. Given that commercial uses are to be permitted on these land parcels, subject to certain land use prohibitions as described above, the only outstanding issue is access. It is essential that common access and parking facilities be required for each of the newly-designated commercial areas, and the means of implementing this requirement, whether that be land assembly, easements, rights-of-way, or whatever, should be identified and established immediately.

With respect to ZA-80-70 and ZA-80-79, for lands located between Upper Wentworth Street and Mall Road, access from Mall Road and to and from northbound Upper Wentworth Street can be provided. This access system would provide ready access to every direction.

.../2

APPENDIX B

The block of land subject to ZA-80-81 and ZA-83-59, if assembled, would have access to Kingfisher Drive and to and from southbound Upper Wentworth Street. This access system would provide ready access to every direction.

Land on the west side of Upper Wentworth Street south of the Toys'R'Us store, which is the subject of ZA-80-66, can only be provided with access to and from southbound Upper Wentworth Street. If an agreement can be arranged for the utilization of the proposed right-of-way over the Toys'R'Us property to Kingfisher Drive and to Upper Wentworth Street in favour of undetermined lands to the south of Toys'R'Us, then access would be possible to every direction.

It goes without saying that all of the lands should be subject to Site Plan Control. It is recommended that the means of providing common access driveways be investigated in advance of rezonings, with advice from the City Solicitor, as required.

Yours truly,

Murray F. Main

Murray F. Main, P. Eng.
Director of Traffic Services

TG/rm

cc: Mr. K.A. Rouff
City Solicitor

APPENDIX B

THE CORPORATION OF THE CITY OF HAMILTON
City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

1985 June 24

Mr. V.J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

Att: Mr. G.A. Whitehouse

Re: Upper Wentworth Street Between Mohawk and Limeridge Roads

Dear Sir:

Further to our letter of 1985 June 14 (copy attached), which specified certain land uses which, in our opinion, should be prohibited in newly-designed land parcels along Upper Wentworth Street, we wish to add to this list as follows:

Section 3(c) of Table 1 of Section 18A of Zoning By-law 6593 contains a list of public uses, specifically "Place of Assembly, Private Club, Lodge, Fraternity House, Sorority House and Labour Union Hall", which are allowed in lands zoned as "HH" Commercial. We recommend that these uses be prohibited because the potential trip generation rates for these uses can be very high and, further, that they can occur during street peak hours.

Yours truly,

Murray F. Main, P. Eng.
Director of Traffic Services

MW/rm
Attch.

cc: Mr. T. Gill
Traffic Planning Engineer

APPENDIX C

The Corporation of the City of Hamilton

BY-LAW NO. 85-171

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED ON THE WEST SIDE OF UPPER WENTWORTH STREET, BETWEEN MOHAWK ROAD EAST AND LIMERIDGE ROAD EAST, IN THE VICINITY OF KINGFISHER DRIVE

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, proposed by the Council of The Corporation of the City of Hamilton, but not yet approved by the Minister under The Planning Act at the time of the passing of the by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheets No. E-18 and E-18A of the District Maps, appended to and forming part of By-law No. 6593, are amended,

(a) by changing from "AA" (Agricultural) district, "C" (Urban Protected Residential, etc.) district and "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) district to "HH" (Restricted Community Shopping and Commercial) district, the land comprised in Block 2; and

(b) by changing from "AA" (Agricultural) district and "B-1" (Suburban Agriculture and Residential, etc.) district to "HH" (Restricted Community Shopping and Commercial) district, the land comprised in Block 3; and

(c) by changing from "C" (Urban Protected Residential, etc.) district and "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) district to "HH" (Restricted Community Shopping and Commercial) district, the land comprised in Block 4

the extent and boundaries of each of which Blocks 2, 3 and 4 are shown on a plan hereto annexed as schedule "A".

2. The "HH" (Restricted Community Shopping and Commercial) district provisions applicable to the lands referred to in section 1 are amended to the extent only of the special requirements that,

(a) notwithstanding subsection 14A(1) of By-law No. 6593, the following,

(i) PUBLIC USES shall be prohibited:

1. The uses referred to in clause 11(1)(viii) of By-law No. 6593;

(ii) COMMERCIAL USES shall be prohibited:

1. The uses referred to in clause 13(1)(vii) of By-law No. 6593.

2. An auctioneer's premises referred to in clause 14(1)(xiv) of By-law No. 6593.

3. The uses referred to in clauses 14A(1)(ca) and (cb) of By-law No. 6593.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "HH" District provisions, subject to the special requirements referred to in section 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as "S-922".

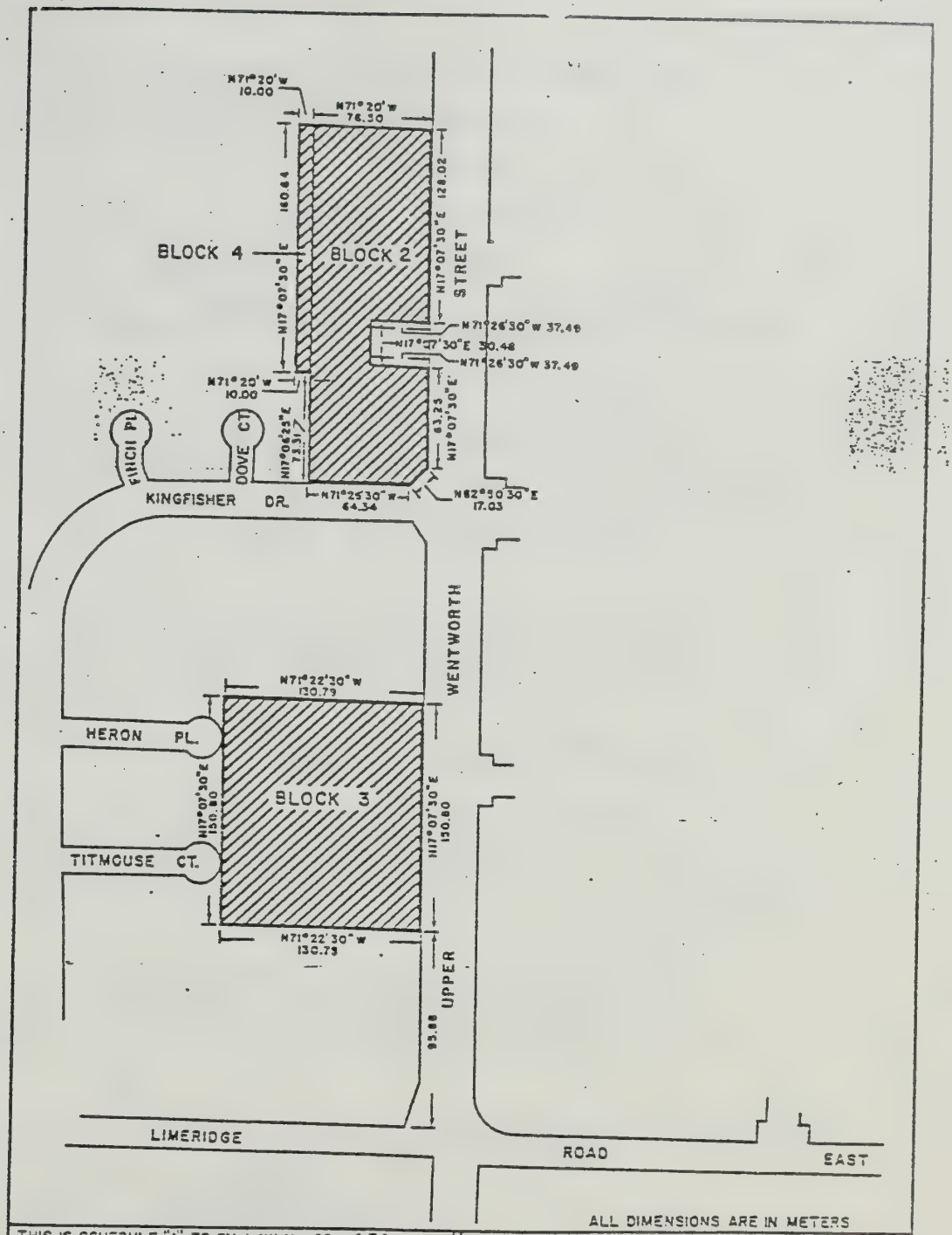
5. Sheets No. E-18 and E-18A of the District Maps are amended by marking the lands referred to in section 1 of this by-law, "S-922".

6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with The Planning Act, 1983.

PASSED this 27th day of August, A.D. 1985.

City Clerk Mayor

985) 22 R.P.D.C. 6(B)(ii,iii,iv), July 30
obelle Forster, Owner and authorized
djoining property owners (ZA-80-66)
bbotsford Homes Limited, Owner (ZA-80-82)
. Patrick, B. Brown, Owners (ZA-83-59)
ity Initiative 85-G



THIS IS SCHEDULE "A" TO BY-LAW No. 85- 171
PASSED THE 27 DAY OF August, 1985.

Clerk Mayor

Legend

BLOCK 2 — CHANGE IN ZONING FROM "AA" (AGRICULTURAL) DISTRICT, "C" (URBAN PROTECTED RESIDENTIAL ETC.) DISTRICT AND "D" (URBAN PROTECTED RESIDENTIAL - ONE AND TWO FAMILY DWELLINGS ETC.) DISTRICT TO "HH" (RESTRICTED COMMUNITY SHOPPING AND COMMERCIAL) DISTRICT, MODIFIED.

BLOCK 3 — CHANGE IN ZONING FROM "AA" (AGRICULTURAL) DISTRICT AND "B-1" (SUBURBAN AGRICULTURAL AND RESIDENTIAL, ETC.) DISTRICT TO "HH" (RESTRICTED COMMUNITY SHOPPING AND COMMERCIAL) DISTRICT, MODIFIED.

BLOCK 4 — CHANGE IN ZONING FROM "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT AND "D" (URBAN PROTECTED RESIDENTIAL - ONE AND TWO FAMILY DWELLINGS, ETC.) DISTRICT TO "HH" (RESTRICTED COMMUNITY SHOPPING AND COMMERCIAL) DISTRICT, MODIFIED.

CITY OF HAMILTON
SCHEDULE 'A'

MAP FORMING PART OF

BY-LAW No. 85-

TO AMEND BY-LAW No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

North	Scale	Reference File No.
	N.T.S.	ZA-80-66, ZA-80-82 ZA-83-59, CJ.85-G
	Date	Drawing No.
	AUG. 1985	85-H-114

Aug. 27, 1985

The Corporation of the City of Hamilton

BY-LAW NO. 85-172

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED AT MUNICIPAL NUMBERS 841 and 849 UPPER WENTWORTH STREET AND REAR LAND

CITY OF HAMILTON
DEPARTMENT OF BUILDINGS
SEP [illegible] 1985
REC. BY ____ DATE ____
REF'D TO ____ DATE ____
REF'D TO ____ DATE ____
REF'D TO ____ DATE ____

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under The Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet Number E-27 of the District Maps, appended to and forming part of By-law No. 6593, are amended,

(a) by changing from "AA" (Agricultural) district to "HH" (Restricted Community Shopping and Commercial) district, the land comprised in Block 1,

the extent and boundaries of which Block 1 are shown on a plan hereto annexed as schedule "A".

2. The "HH" (Restricted Community Shopping and Commercial) district provisions applicable to the lands referred to in section 1 are amended to the extent only of the special requirements that,

(a) notwithstanding subsection 14A(1) of By-law No. 6593, the following,

(i) PUBLIC USES shall be prohibited:

1. The uses referred to in clause 11(1)(viii) of By-law No. 6593;

(ii) COMMERCIAL USES shall be prohibited:

1. The uses referred to in clause 13(1)(vii) of By-law No. 6593.

2. An acutioneer's premises referred to in clause 14(1)(xiv) of By-law No. 6593.

3. The uses referred to in clauses 14A(1)(ca) and (cb) of By-law No. 6593.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "HH" District provisions, subject to the special requirements referred to in section 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as "S-924".

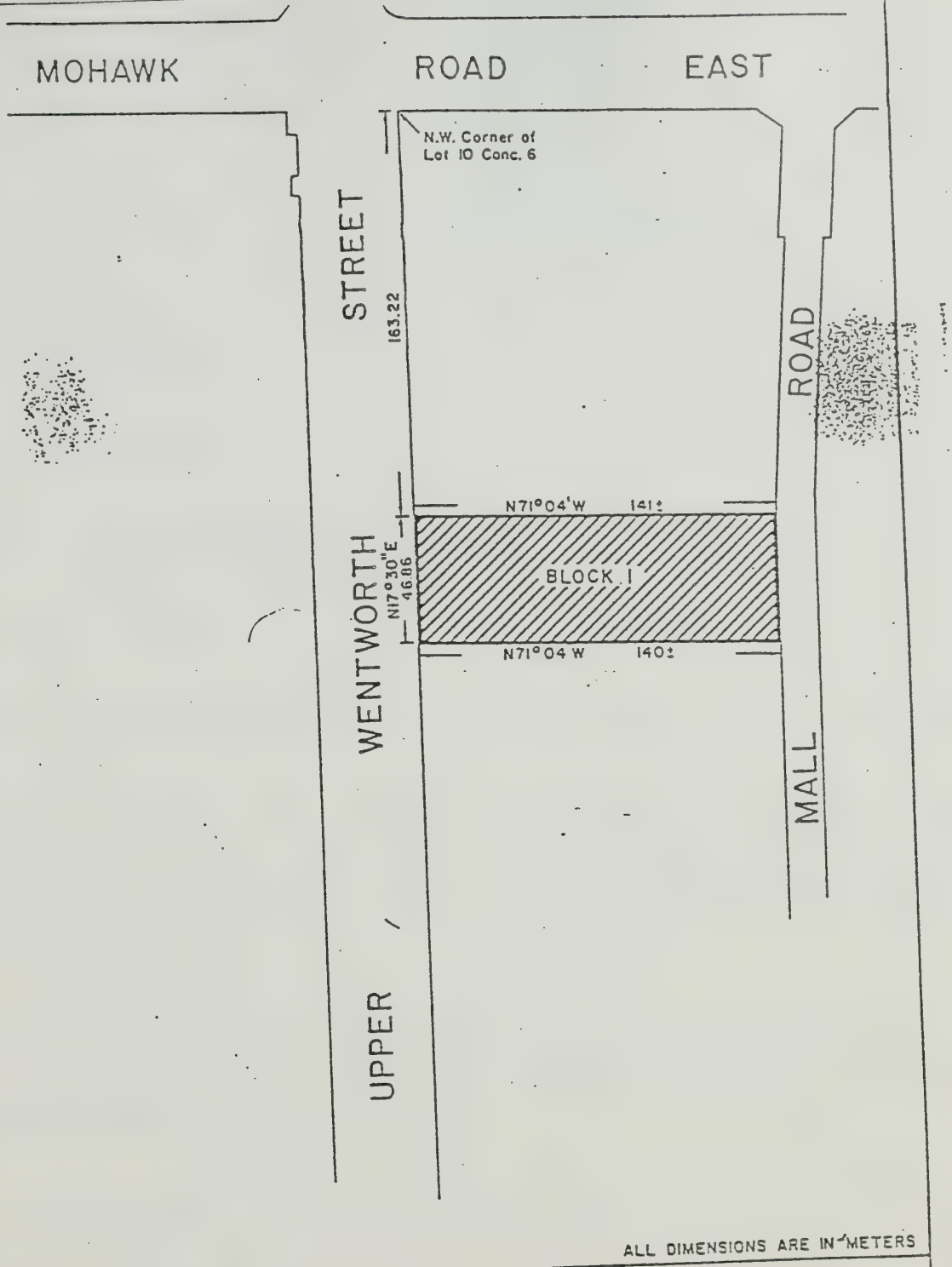
5. Sheet Number E-27 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, "S-924".

6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with The Planning Act, 1983.

PASSED this 27th day of August, A.D. 1985.

City Clerk Mayor

(1985) 22 R.P.D.C. 6(B)(i), July 30
Gordon Allan Eaton & Mary Olive Eaton, Owners (ZA-80-70)
E. Monkley, Owner (ZA-80-79)
City Initiative 85-J



ALL DIMENSIONS ARE IN METERS

THIS IS SCHEDULE "A" TO BY-LAW No. 85-172
PASSED THE 27th DAY OF August, 1985.

Clerk

Mayor

CITY OF HAMILTON
SCHEDULE 'A'
MAP FORMING PART OF
BY-LAW No. 85-
TO AMEND BY-LAW No. 6593
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

BLOCK I — CHANGE IN ZONING FROM "AA" (AGRICULTURAL) DISTRICT TO "HH" (RESTRICTED COMMUNITY SHOPPING AND COMMERCIAL) DISTRICT, MODIFIED.

North	Scale	Reference File No.
	N.T.S.	ZA-80-70 ZA-80-79 & C.I.85-J.
	Date	Drawing No.
	AUG. 1985	85-H-113

Winter
Associates

Consulting Engineers, Architects, Planners & Landscape Architects

October 9, 1987

Mr. A. Barzilay
Dan Management
49 The Donway W.
Suite 330
Toronto, Ontario
M3C 2E8

RE: TRAFFIC IMPACT OF A COMMERCIAL DEVELOPMENT
AT 986-998 UPPER WENTWORTH STREET, HAMILTON
REWAL FILE NO. 7567x2

Dear Mr. Barzilay:

Further to our meeting of 7 October 1987 we have at your request reviewed the traffic implications of re-zoning your property to G1 to accommodate a restaurant or tavern.

Our preliminary review indicates that the prime traffic generations in the immediate vicinity of your site are the Limeridge Mall and Toys 'R' Us - immediately north of your site. As a result in our opinion traffic to your proposed restaurant/tavern would be diverted from the normal traffic streams on Upper Wentworth Street and would not attract significant new trips into the area.

Access to your site is excellent with direct access located on Upper Wentworth Road (right turn in/out) and access through the parking lot of Toys 'R' Us which has access on Upper Wentworth Road and Kingfisher Drive. You have indicated to us that you have guaranteed access to the Toys 'R' Us parking lot for 21 years less 1 day.

It is our conclusion therefore that should your site be rezoned to permit the development of a restaurant and/or tavern there would be no detrimental traffic impact on the adjacent roads.

Yours very truly,

R.E. WINTER & ASSOCIATES LTD.

Per: Imants Hausmanis, P.Eng.
Director - Transportation Engineering

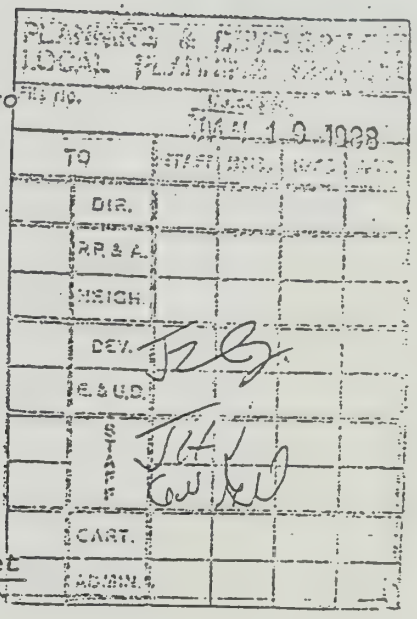
E2212/L-18

APPENDIX D

18a

1988 01 12

Mr. & Mrs. D. Cravero
35 Titmouse Court
Hamilton, Ontario
L9A 4Y9



Secretary
Planning and Development Committee
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Re: Property Description - Nos. 986-998 Upper Wentworth Street
File-ZA87-119 SEQ-00030

Dear Sir/Madam,

We are enclosing this letter in addition to the reply card provided to reinforce our concerns about the proposed restaurant and tavern to be situated in our neighbourhood.

We, as new homeowners and perspective parents, are greatly concerned with having a 'tavern' practically in our backyard. We do not object to the recent development in our area as it provides great convenience for shopping etc.; however we question the necessity to have this type of business so close. It will undoubtly promote problems with noise and possible impaired drivers. Since this area is primarily one where many children are growing up we do not feel comfortable with the type of atmosphere this may create.

I hope these concerns are considered. We will be unable to attend the public meeting as we both will be working. Perhaps in future these public meetings could be held after business hours to facilitate the many number of residents who work outside the home during the day.

Thank you.

Sincerely yours
Joanne Cravero
David Cravero
Mr. & Mrs. David Cravero

/enclosure

To: V. Abraham, Planning
1988 Jan. 19

ZA 87-119

198b.

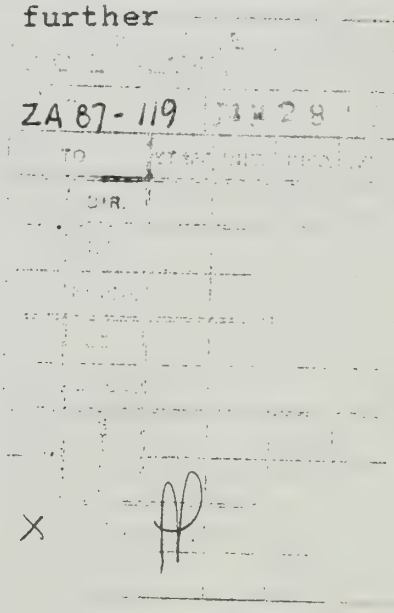
Secretary,Planning and Development Committee.

I am enclosing this letter with my opposition to the proposed amendment for properties known as Nos. 986-998 Upper Wentworth.When we purchased this house all properties adjoining this land were intended for residential use. We have accepted the fact grudgingly that they were changed,to commercial,but they did not included licensed restaurants or fast food places.The police are already up here enough with thefts from the Hyundai dealership and the setting off of the alarms at Toy's R Us.The last thing this neighbourhood of many small children needs is the possible increase in noise,vandalism and rowdyism that can come with a licensed restaurant and tavern.As it is in dealing with the owner of this plaza he has already shown that he has no concern over the residents of this area.I hope this explains my steadfast reasons for opposing any further changes in this area.

Yours Sincerely.

Derek Smith

Derek Smith and Family
40 Heron Pl.
Hamilton, Ont



Copy to Y. Abraham, Planning
1987 Feb 2.

E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

CA4 ON HB LAO
C5IP4
1988

URBAN MUNICIPAL

FEB 2[illegible]

GOVERNMENT DOCUMENTS

1988 February 17

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1988 February 24
2:ØØ o'clock p.m.
Room 233, City Hall

Susan K. Reeder.
Mrs. Susan K. Reeder
Acting Secretary

NOTE: Delegations will be heard beginning at 3:ØØ o'clock p.m.

AGENDA

1. Minutes of the meetings held Wednesday, 1988 February 1Øth and Wednesday, 1988 January 27th.

ALDERMAN SMITH

2. (a) Use of the Council Chambers to hear Zoning Applications. (no copy)

   (b) Installation of a telephone in the Council Chambers. (no copy)

MAYOR MORROW

3. Correspondence - Ministry of Housing.

BUILDING COMMISSIONER

4. Demolition Permit Applications.

DIRECTOR OF COMMUNITY DEVELOPMENT

5. (a) Hamilton Rehabilitation Programme - Registration of Loan on Tax Rolls. (Private and Confidential)

(b) Ontario Home Renewal Programme - Registration of Loan on Tax Rolls. (Private and Confidential)

(c) Approval of the Community Improvement Plan - Crown Point West/Stipeley P.R.I.D.E.

DIRECTOR OF LOCAL PLANNING

6. (a) Subdivision Application 87-33, Steinnagel Construction Limited, owner, for lands located on the east side of Eleanor Avenue in the area north of Rymal Road East.

(b) City Initiative 88-B - Special Zoning for churches and schools.

(c) Kernighan Neighbourhood - Authorization for a Public Meeting.

(d) Gourley Neighbourhood - Authorization for a Public Meeting.

(e) Proposed Amendment 36 to the Niagara Escarpment Plan.

(f) Request from the City of Toronto concerning enforcement of the Rental Housing Protection Act.

PUBLIC MEETING - ZONING APPLICATIONS

COUNCIL CHAMBERS

3:ØØ o'clock p.m.

7. Zoning Application 87-117 - Basil Williams and Edward Cummings, owners, for property at 1Ø6Ø Rymal Road East.

8. Zoning Application 87-124 - Rodosa Development Corporation, owner, for property located at the north-west corner of Rockland Avenue and Rymal Road East.

9. Zoning Application 87-129 - Margaret Morison and Douglas Nash, owners, for property located at the north-east corner of Upper Paradise Road and Stone Church Road West.

3:15 o'clock p.m.

10. Subdivision Application 87-24 and Zoning Application 87-84, 491719 Ontario Limited and 663922 Ontario Limited (J. Paisley), owners, for properties at 1489 to 1545 Upper James Street.

11. Zoning Application 87-131, Montham Developments Limited, prospective owner, for property at 203 Rymal Road West.

12. Zoning Application 87-135, E. Ianiri, owner and prospective owner, for properties at 240 and 244 Quigley Road.

3:30 o'clock p.m.

13. Zoning By-Law 87-334 and Zoning Application 86-15, Z. Kumar, owner, for property at 1094 Upper Sherman Avenue.

    (a) Letter with objections sent to Council, and subsequently referred back to the Planning and Development Committee.

    (b) Original report of the Planning and Development Department dated 1987 September 28.

4:30 o'clock p.m. - Items to be lifted from the table by Alderman Merling.

14. (A) Zoning Application 87-112, H. C. Harnden and H. A. Anderson, owners and prospective owners, for properties at 1610, 1614, 1620 and 1626 Upper Gage Avenue.

    (B) Zoning Application 87-65, Frank Silvestri, (In Trust), owner and prospective owner, for properties located at Nos. 829 Rymal Road East (in part), 837 Rymal Road East and 1606 Upper Gage Avenue.

        (i) Petition.

15. Other Business.

16. Adjournment.

Wednesday, 1988 February 10
1:00 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met:

There were present: Alderman J. Smith, Chairman
Alderman D. Ross, Vice-Chairman
Mayor Robert M. Morrow
Alderman T. Cooke
Alderman D. Christopherson
Alderman H. Merling
Alderman D. Agostino
Alderman B. Hinkley
Alderman W. McCulloch

Also present: Alderman G. Copps
Alderman J. Gallagher
Alderman R. Wheeler
Alderman T. Murray
Mr. L. Sage, Chief Administrative Officer
Mr. B. Allick, Building Department
Mr. V. Abraham, Director of Local Planning
Mr. B. Court, Building Department
Mr. L. King, Building Department
Mr. K. Brenner, Engineering Department
Mr. J. Robinson, Community Development Department
Mr. R. Karl, Traffic Department
Mr. R. Buckle, Real Estate Division
Mr. M. Watson, Real Estate Division
Mr. Y. Schwarz, Regional Planning Department
Mrs. N. Chapple, Planning Department
Ms. Germann, Building Department
Mr. D. Godley, Planning Department
Mr. R. Roszell, Solicitor's Department
Ms. L. Lawrence, Solicitor's Department
Mr. J. Sakala, Planning Department
Mr. J. Zipay, Planning Department
Mrs. S. K. Reeder, Acting Secretary

Task Force on Lot Grading.

The Committee was in receipt of a report from the Task Force on Lot Grading consisting of their final report and recommendations.

Alderman Merling, Chairman of the Task Force, introduced those members from the Task Force who were in attendance and spoke briefly on the Committee's purpose.

Mr. George Barclay, Representative of the Hamilton Home Builder's Association, spoke on the specific recommendations. He indicated that the idea of having a further security placed on the Industry for the purpose of lot grading was felt to be unnecessary.

The Task Force members in attendance were Mr. George Barclay, Mr. Peter Ashenhurst and Mr. George Beattie.

Alderman Christopherson indicated that there is a need to address a staffing impact that these recommendations will have.

Alderman Wheeler raised several questions with respect to the recommendations and indicated that once this is approved by Council that advertisements should be placed by the City to advise all persons of these new procedures.

It was then moved by Alderman Merling, seconded by Alderman Christopherson and carried to APPROVE the following recommendation:

That the following recommendations of the Task Force on Lot Grading be APPROVED.

(a) That City Council reconfirm and petition the Premier of Ontario to effect an amendment to The Ontario Building Code to control all retaining walls exceeding 1 metre in height.

(b) That the City of Hamilton's Property Standards By-law be amended to include the control of all retaining walls, and that the City Solicitor be authorized and directed to prepare the amending By-law for Council's approval.

(c) That the subdivider shall complete the grading for single and two family housing lots within 6 months of the insulation inspection approval by the Building Commissioner. If the 6 month period after the insulation inspection approval date falls after November 1st and before June 15 following, then the grading shall be completed by June 15 of the same year as the said June 15 falls.

(d) That where the grading has not been completed to the satisfaction of the City at the required dates then the City shall take the appropriate action under Section 8 - "Grading of Lots" the City Subdivision Agreement.

(e) That the subdivider may supply the City with a certificate signed by a professional engineer as proof that the grading has been completed. The City, upon receipt of the above, may inspect the site and within 4 weeks of receipt of the certificate, release the subdivider of his obligations or reject the certificate.

(f) That the owner of the given lot shall not be permitted to alter the grading of his lot, once completed to the satisfaction of the City. This section shall however, not prevent the owner from undertaking improvement to his lot as long as these do not interfere with adjacent drainage and grading. If an owner of a lot does alter his/her lot to the extent of interfering with the completion of the adjacent lot or lots, then, the City may do the work necessary on the contravening lot to permit adequate grading of adjacent lands and collect the cost from the owner of the contravening lot.

(g) That Section 8 - "Grading of Lots" - City Subdivision Agreement be amended by adding "grading" to the required services.

(h) That restrictive convenants be registered on title on all new homes requiring compliance with the Grading Plan, as amended.

NOTE: This registering on title will place the responsibility of maintaining the Grading Plan with the home owner.

Don May, Mr. Cochrane Sr. & Jr. re: development of lands on Greenhill Avenue.

The Committee received a delegation of Mr. Donald May, Planning Consultant as well as Mr. Cochrane Sr. and Jr. of Cochrane Construction.

Mr. May presented an alternative on the use of the Greenhill Avenue land whereby Cochrane Construction would deed land to the City or Public Authority as a gift and 1.16 acres would be given as the 5% cash in lieu of parkland dedication.

The Director of Local Planning spoke on this recommendation along with Mr. Rick Buckle of the Real Estate Division.

Following some discussion on this matter it was moved by Alderman McCulloch, seconded by Alderman Ross and carried to TABLE this matter until such time as staff meets with Mr. May and reports back on the proposal for the Committee's consideration.

Correspondence - Walter Bosch.

The Committee was in receipt of a letter forwarded to them by the Mayor from Mr. Walter Bosch, Sales Representative, Royal LePage Real Estate Services Ltd. Alderman Christopherson indicated that many of the concerns and suggestions listed in the letter are not easily answered.

It was then moved by the Mayor, seconded by Alderman Christopherson and CARRIED that this letter be referred to staff for their comments for consideration by the Planning and Development Committee. Alderman Christopherson suggested that if it is appropriate that this letter also be referred to the Second Level Lodging Home Task Force.

Designated Area Enforcement

The Committee was in receipt of a report from the Building Commissioner respected designated area enforcement. Alderman M. Kiss spoke to this matter and expressed some concerns on the fact that if an abutting neighbour complains about the condition of their neighbour's home, that under City legislation they are also inspected for property standards.

Mr. B. Allick of the Building Department spoke to the Committee on this matter. At this point Alderman Kiss left the room and no further discussion ensued on this matter.

St. Elizabeth Building, 74 Charlton Ave.E.

The Committee was in receipt of information from the Acting Secretary dated 1988 January 27 respecting the St. Elizabeth building at 74 Charlton Avenue East.

The Committee was also in receipt of an information report from L.A.C.A.C. dated 1988 January 26 respecting this building.

General discussion ensued on this and what the City can do about vacant buildings that are vandalised. Ms. Nina Chapple of the Planning Department spoke to the Committee and indicated that there are problems with vandalism of vacant buildings which have been designated under Heritage Designation. Ms. Chapple advised the Committee that a Private Members Bill is before the Provincial Government to give jurisdiction on vacant buildings to Municipalities. Ms. Chapple indicated that she will be closely monitoring this Private Members Bill and reporting back to the Planning and Development Committee once legislation has been passed and how it can pertain to Hamilton.

Thomas B. McQueston High Level Bridge - Paint Colour Analysis.

The Committee was in receipt of a report from L.A.C.A.C. dated 1988 February 2 respecting the Thomas B. McQueston High Level Bridge - Paint Colour Analysis.

The report indicated that L.A.C.A.C. wishes to have the substructure of the bridge repainted the original colour which has been identified as "Olive Fog" (grey - green). A sample of the colour was shown to the members of the Committee. The Committee then agreed to RECEIVE this report since this bridge is owned by the Region.

Letters of objection referred back by Council - By-law 87-351 - 1088 Main St. W.

The Committee was in receipt of letters of objection to Zoning By-Law 87-351 for property at 1088 Main Street West. These letters had been referred to the Planning and Development Committee from City Council on 1988 January 26.

Alderman Cooke advised that at City Council on 1988 February 9, City Council agreed to rescind Zoning By-Law 87-351. The Committee then agreed to RECEIVE these letters of objection.

Demolition Permit Application.

The Committee was in receipt of a report from the Building Commissioner dated 1988 February 3 respecting a Demolition Permit Application.

The Committee APPROVED the following:

That the Building Commissioner be authorized to issue a demolition permit for the demolition of a residential building at 405 Sherman Avenue North.

NOTE: The present use is a single family dwelling in a "K" zone with a lot size of 20' x 90'. The proposed use is to be left vacant and used as part of Alpha Enclave (West), Plan 1 and to be sold for future industrial development. Future owner, City of Hamilton.

Application - Ontario Home Renewal Programme

The Committee was in receipt of a report from the Director of Community Development dated 1988 February 2 respecting an application under the Ontario Home Renewal Programme.

The Committee APPROVED the following:

That the Director of Community Development be authorized to process a grant/loan in the amount not to exceed $7,500. under the Ontario Home Renewal Programme (O.H.R.P.) to Mrs. M. Eastman, 35 Chatham Street.

NOTE: The actual amount of grant or loan to be determined by inspection of the property under the Property Standards By-law 74-74 and pursuant to Regulation 506 (R.R.O. 1980) under The Housing Development Act for the Ontario Home Renewal Programme.

Community Heritage Trust Fund - Progress Payment - Custom House.

The Committee was in receipt of a report from the Director of Community Development dated 1988 February 4 respecting a Community Heritage Trust Fund - Progress Payment - Mr. Don Warrener, Custom House, 51 Stuart Street.

General discussion ensued on this matter and the issue of forwarding progress payments to Mr. Warrener when the work has not been completed.

It was then moved by Alderman Merling, seconded by Alderman McCulloch and carried that the Director of Community Development be directed to issue a $40,000. partial loan progress payment to Mr. Don Warrener for the work done to date. The Committee indicated that an amount of $10,000. would be held back until such time as the windows are installed.

The Committee also indicated that this work should be closely monitored to ensure that it is completed.

Termination of Sale- Vacant land - Stone Church Road East.

The Committee was in receipt of a report from the Director of Property dated 1988 January 28 respecting the Termination of Sale - Vacant Land - Stone Church Road East.

The Committee APPROVED the following:

(a) That an Offer to Purchase the lands of The Corporation of the City of Hamilton being composed of part of Lot 3, Concession 7, Township of Barton, comprised of the northerly 283 feet of Part 8, Plan 62R-4187 and containing approximately 0.39 acres duly executed on 1987 October 8, by the Purchaser, Carlo Del Sordo, approved by City Council on 1987 November 10, 21st Report of Planning and Development Committee, Item 13; BE TERMINATED; and the deposit of $1,170.00 be returned to the Purchaser without interest.

(i) subject to the Purchaser releasing the City of Hamilton from this transaction in a form subject to the satisfaction of the City Solicitor, and

(b) That Item 13 of the 21st report of the Planning and Development Committee as adopted by City Council on 1987 November 10, be rescinded.

Sale - Part of Lot 3, Concession 8 - 1298 and 1292 Stone Church Road East.

The Committee was in receipt of a report from the Director of Property dated 1988 February 2 respecting the sale of part of Lot 3, Concession 8 - 1298 and 1292 Stone Church Road East to 740194 Ontario Inc.

The Committee APPROVED the following:

That an Offer to Purchase the lands of the Corporation of the City of Hamilton, being composed of part of Lot 3, Concession 8, formerly in the Township of Barton, along the southern limit of Stone Church Road East, duly executed on 1988 January 18, by the Purchaser, 740194 Ontario Inc. (C. Michael Leverty, Lawrence J. Henderson, James Micules) BE APPROVED and completed.

NOTE: The purchase price is $88,000. A deposit cheque in the amount of $8,800. is being held by the City Treasurer pending Council approval.

The property is composed of part of Lot 3, Concession 8, formerly in the Township of Barton, now in the City of Hamilton, said parcel of land having a frontage of 200 feet, more or less, along the southern limit of Stone Church Road East by a depth of 418.57 feet, more or less, and containing an area of 1.92 acres, more or less, more particularly described as Parts 4 and 5, Plan 62R-1174 and known as Municipal No's. 1298 and 1292 Stone Church Road East.

The closing of this transaction is conditional upon the simultaneous completion of the transaction between 740194 Ontario Inc. (C. Michael Leverty, Lawrence J. Henderson, James Micules) and the Regional Municipality of Hamilton-Wentworth concerning the sale of:-

'part of Lot 3, Concession 8, formerly in the Township of Barton, now in the City of Hamilton, said parcel of land having a frontage of 200 feet, more or less, along the southern limit of Stone Church Road East, by a depth of 418.57 feet, more or less, and containing an area of 1.92 acres more or less, and known as Municipal No. 1276 Stone Church Road East, Hamilton, Ontario.'

It is understood and agreed that the Vendor, upon completion of this transaction will pay a 5% Real Estate Commission to Royal LePage Real Estate Services Ltd., 5070 Dixie Road, Mississauga, Ontario, L4W 1C9, whose agent, Mr. William J. DeJong, acted in this matter.

It is understood and agreed by the Purchaser that the subject lands have services available to it on Stone Church Road East, however, the Purchaser acknowledges and agrees that there are no lateral connections of the sewer and water lines to the Purchaser's property line. The Purchaser is responsible at its sole costs to provide these sewer and water connections.

Purchase by the City - 356 Birch Avenue

The Committee was in receipt of a report from the Director of Property dated 1988 February 3 respecting a purchase by the City - 356 Birch Avenue.

The Committee APPROVED the following:

That an Option to Purchase the property at 356 Birch Avenue duly executed by Miloslav Tauterman on 1988, February 2, and scheduled to close on or before 1988 April 19, BE COMPLETED.

NOTE: This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan I and has a frontage of 11.43 metres (37.5 feet) more or less, by a depth of 18.29 metres (60 feet) more or less, and containing an area of 206.42 square metres (2,222 square feet) more or less, together with all structures erected thereon. The purchase price of $50,600. and all costs and associated expenses, including Tenant Moving Allowances, to be charged to account 0408-W75266. Demolition is to take place upon closing.

SA87-32 - south side of Stone Church Road East and east of Anchor Road.

The Committee was in receipt of a report from the Planning and Development Department dated 1988 January 26 respecting Subdivision Application 87-32 for land at the south side of Stone Church Road East and east of Anchor Road.

The Committee APPROVED the following:

That approval be given to Subdivision Application 87-32, Ablaka Development Limited, owner, to establish a Draft Plan of Condominium located at the south side of Stone Church Road East and east of Anchor Road, subject to the following conditions:

(a) That this approval apply to the plan prepared by A. J. Clarke & Associates, dated 1987 September 24, showing 14 units.

(b) That the owner agree in writing to satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth.

Proposed Central Area Plan.

The Committee was in receipt of a report from the Planning and Development Department dated 1988 January 28 respecting the Proposed Central Area Plan.

The Committee APPROVED the following recommendation:

That the Planning and Development Committee authorize a Public presentation and a Public meeting to present, discuss and allow for Public comment on the Proposed Central Area Secondary Plan, an amendment to the Hamilton Official Plan.

Neighbourhood Plan Amendments - Housekeeping.

The Committee was in receipt of a report from the Planning and Development Department dated 1988 January 28 respecting Neighbourhood Plan Amendments - Housekeeping.

The Committee APPROVED the following:

That approval be given to the following Neighbourhood Plan amendments.

(a) That the approved Barnstown Neighbourhood Plan be amended by changing the lands at the south/west corner of Stone Church Road East and Upper Wentworth Street, as shown as Block 1 on Schedule "A" attached hereto and marked APPENDIX "A",, from "Medium Density Apartments" to "Attached Housing".

(b) That the approved Gilbert Neighbourhood Plan be amended as follows:

(i) That the lands at 459-467 Limeridge Road West and 1078 Garth Street, shown as Block 1 on Schedule "B" attached hereto and marked APPENDIX "B", be changed from "Attached Housing" to "Single and Double" residential; and,

(ii) That the lands between Clifton Downs Road and Caroga Court, as shown as Block 2 on Schedule "B" attached hereto and marked APPENDIX "B", be changed from "Low Density Apartments" residential to "Attached Housing" and that the proposed road through these lands be deleted from the Neighbourhood Plan.

(c) That the approved Lawfield Neighbourhood Plan be amended by changing the lands at 820 Limeridge Road East, as shown on Block 1 on Schedule "C" attached hereto and marked APPENDIX "C", from "Medium Density Apartments" to "Attached Housing";

(d) That the approved Randall Neighbourhood Plan be amended as follows:

(i) That the property at 1264 Upper Gage Avenue, as shown as Block 1 on Schedule "D" attached hereto and marked APPENDIX "D", be changed from "Attached Housing" to "Single and Double" residential;

(ii) That the property on Rexford Drive, south of Loconder Drive, as shown as Block 2 on Schedule "D" attached hereto and marked APPENDIX "D" be changed from "Low Density Apartments" to "Single and Double" residential.

(e) That the approved Rolston Neighbourhood Plan be amended by changing the lands on Limeridge Road West between Elgar Avenue and Kendale Court, as shown as Block 1 on Schedule "E" attached hereto and marked APPENDIX "E" from "Low Density Apartments" to "Attached Housing".

(f) That the approved Carpenter Neighbourhood Plan be amended by deleting the special "Historical House" designation on 523 Rymal Road West, as shown in Block 1 on Schedule "F" attached hereto and marked APPENDIX "F".

NOTE: The purpose for the amendments to the Neighbourhood Plans is to recognize current land uses which will remain for the indeterminate future and to redesignate properties which are no longer suitable for its original designed use, due to adjacent development.

These amendments have been identified through administration of Neighbourhood Plans, and are part of the housekeeping process.

IN CAMERA.

Moved by Alderman Cooke, seconded by Alderman Christopherson and carried to move IN CAMERA prior to adjourning into the Council Chambers for the purpose of hearing Zoning Applications.

The Committee then came out of an in camera session and adjourned to the Council Chambers for the purpose of hearing Zoning Applications.

ZA87-118, 110 Mohawk Road East.

The Committee was in receipt of a report from the Planning and Development Department dated 1988 January 8 respecting Zoning Application 87-118, for property at 110 Mohawk Road East.

Report of the circularization is as follows:

106 notices sent 10 in favour 2 opposed

The Committee then APPROVED the following recommendation:

That APPROVAL be given to Zoning Application 87-118, Cynthia Louise Crease, owner, requesting a modification to the established "C" (Urban Protected Residential, etc.) District to permit a hairdressing business as a "Home Occupation" use within a portion of a dwelling located at No. 110 Mohawk Road East, as shown on the attached plan marked as APPENDIX "G" on the following basis:

(a) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of By-Law No. 6593 applicable to the subject lands be modified to include the following variances as special requirements:

(i) That notwithstanding the provisions of Section 2.(2)(H)(iii)(f) and (H) of By-Law No. 6593, hairdressing shall be permitted as a home occupation:

1) carried on by not more than one hairdresser having a principal and permanent place of residence on the premises; and,

2) providing for not more than one comb-out centre and one styling sink.

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1062, and that the subject lands on zoning District Map E-9 be notated S-1062;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9;

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a modification to the established "C" (Urban Protected Residential, etc.) District regulations applicable to property located at No. 110 Mohawk Road East.

The effect of the By-law is to permit a hairdressing business as a home occupation for one hairdresser only. In addition, the By-law limits the hairdressing business to one comb-out centre and one hair styling sink.

ZA87-122 -
94 Park Street North.

The Committee was in a receipt of a report from the Planning and Development Department dated 1988 February 1 respecting Zoning Application 87-122, for property located at No. 94 Park Street North.

Report of the circularization was given as follows:

142 notices sent 16 in favour 1 opposed

Mr. Glen Waters spoke on behalf of his mother who lives in the basement apartment at 94 Park Street North. He advised that his mother has lived in this building for 25 years and that she is 64 years old, disabled and on a pension, and has not been out of her apartment since 1979 because of her physical disabilities. He added that if this application is approved she will be forced to move which would be very difficult.

A representative of the Company interested in purchasing the home spoke to the Committee. The present owner and prospective owner of the building were also in attendance at this meeting. General discussion ensued on this matter as it affects Mrs. Waters.

Following considerable discussion on this matter the Committee APPROVED the following recommendation:

(A) That APPROVAL be given to Zoning Application 87-122, 566055 Ontario Inc., (V. Zipp, President), prospective owner, requesting a change in zoning from "L-c" (Planning Development - Commercial) District to "H" (Community Shopping and Commercial, etc.) District, modified to permit the conversion of the existing building to a business office for a security and protection services and investigations firm for the property located at No. 94 Park Street North, as shown on the attached map marked as APPENDIX "H", on the following basis:

(a) That the subject lands be rezoned from "L-c" (Planning Development - Commercial) District to "H" (Community Shopping and Commercial, etc.) District:

(b) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:

(i) Notwithstanding Section 14(1) of By-law No. 6593, any use permitted within the "H" District shall be restricted to the existing building.

(c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1063, and that the subject lands on Zoning District Map No. W-4 be notated S-1063;

(d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-4;

(e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(B) That the By-law NOT BE PASSED by City Council until such time as suitable alternate accommodation is found, satisfactory to City Council, for the current resident of the basement apartment.

NOTE: A report on this condition will be forwarded to City Council, along with the By-Law, at the 1988 March 29th Council meeting. This time factor is in keeping with the 40 day time frame approved by the Planning and Development Committee.

The purpose of this by-law is to provide for a change in zoning from "L-c" (Planned Development - Commercial) District to "H" (Community Shopping and Commercial, etc.) District for the property located at No. 94 Park Street North.

The effect of the by-law is to permit the conversion of the existing building to a business office for a security and protection services and investigations firm.

ZA87-127 - 1526 and 1532 Upper Gage Avenue.

The Committee was in receipt of a report from the Planning and Development Department dated 1988 February 2 respecting Zoning Application 87-127, for property at 1526 and 1532 Upper Gage Avenue.

Report of the circularization was given as follows:

89 notices sent 5 in favour 6 opposed

Mr. John Dallicardill, 111 Meadowlark Drive spoke to the Committee and asked for addition information on what the proposal would entail. He indicated that he has an offer to purchase lot no. 28 on Eaglewood Drive. Some discussion then ensued on the site plan for this application.

The future owner of lot 26 Eaglewood Drive also addressed the Committee and questioned the height of the building proposed.

A representative for the applicant then addressed the Committee and advised that his site plan is prepared and it is intended that a plaza be built on the site. He added that at this stage of the procedure a site plan is not needed but he did have that with him and showed the Committee what the proposal would be .

It was then moved by Alderman Ross, seconded by Alderman McCulloch and carried to APPROVE the following recommendation:

That APPROVAL be given to Zoning Application 87-127, B. G. Schickendenz Investment Ltd. and 652921 Ontario Inc. (M. Kansun), owners, for a change in zoning from "L-c" (Planning Development - Commercial) District, modified, to "G" (Neighbourhood Shopping Centre, etc.) District for properties at No. 1526 and No. 1532 Upper Gage Avenue, as shown on the attached plan marked as APPENDIX "I" on the following basis:

(a) That the subject lands be rezoned from "L-c" (Planned Development - Commercial) District to "G" (Neighbourhood Shopping Centre, etc.) District;

(b) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations as contained in Section 13 of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variance as a special requirement:

(i) A 3.0m wide landscaped planting strip be established along the westerly property line adjoining the "D" residential district, and 1.2m to 2.0m high visual barrier be located within the landscaped planting strip.

(c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1064, and that the subject lands on Zoning District Map No. E-38D be notated S-1064;

(d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38D; and,

(e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "L-c" (Planned Development - Commercial) District to "G" (Neighbourhood Shopping Centre, etc.) District, modified for properties located at No. 1526 and No. 1532 Upper Gage Avenue.

The effect of the By-law is to permit the development of the subject lands for a shopping plaza having a total gross floor area of approximately 2,810 m^2 (30,247 square feet).

In addition, the By-law requires that a 3.0m (9.84 feet) wide landscaped planting strip and a 1.2m (3.04 feet) to 2.0m (6.56 feet) high closed fence be established along and within the westerly property line adjoining the residential district.

Note: Alderman Merling opposed.

ZA87-126, rear lands located on the west side of Upper Ottawa Street, between the proposed extensions of Independence Drive and Templemead Drive.

The Committee was in receipt of a report from the Planning and Development Department dated 1988 February 1 respecting Zoning Application 87-126, Joseph Casale, owner, for property at the rear lands located on the west side of Upper Ottawa Street, between the proposed extensions of Independence Drive and Templemead Drive.

The Committee APPROVED the following recommendation:

That APPROVAL be given to Zoning Application 87-126, Joseph Casale, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the development of the subject lands for six (6) single family dwelling lots, for the rear lands located on the west side of Upper Ottawa Street, between the proposed extensions of Independence Drive and Templemead Drive, as shown on the attached map marked as APPENDIX "J" on the following basis:

(a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

(b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No.6593 and Zoning District Map E-44D; and,

(c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the by-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for the rear lands located on the west side of Upper Ottawa Street, between the proposed extensions of Independence Drive and Templemead Drive.

The effect of the by-law is to permit the development of the subject lands for six (6) single family dwelling lots.

ZA87-28 - Review of the "A" and "AA" Districts.

The Committee was in receipt of a report from the Planning and Development Department dated 1987 December 9 respecting Zoning Application 87-28, John Norris, applicant, for a review of the "A" and "AA" District Provisions by the Planning and Development Department in conjunction with other City Departments.

Mr. Norris, the applicant for the application spoke to the Committee and indicated that this request would ensure that the "A" and "AA" uses are not quite so liberal.

Considerable discussion ensued on the length of time from the point of making this application and its presentation to the Planning and Development Committee.

It was then moved by Alderman McCulloch, seconded by Alderman Ross and carried that staff be requested to report back in 30 days on recommendations of how to undertake the requested study and what readjustments would be required for the Planning and Development Department's work programme to carry out the study.

ZA87-83 - 270 Main Street West.

Moved by Alderman Cooke, seconded by Alderman Christopherson and carried to lift Zoning Application 87-83 respecting property at 270 Main Street West from the table and place it before the Committee for discussion.

The Committee was in receipt of a report on this matter from the Planning and Development Department dated 1987 November 24.

The Committee was in receipt of a letter of objection to this application from Mr. Barry Reid, 72 Ray Street South dated 1987 December 7.

Mr. McCarthy, 43 Ray Street South spoke to the Committee in opposition to this application. He indicated that he sees this application as infringing on the already limited parking in the area and objects to any additional uses being added to this area. He added that he is already having difficulty with his own offstreet parking privileges due to the new owner of this property.

The applicant, Mr. Antonio Mascia addressed the Committee and indicated that he had no comments on this matter but was waiting for the Committee's decision on his request.

Alderman Cooke indicated that there is a parking problem in this area and that there is a need for a municipal lot.

Some discussion ensued on the uses that were being suggested for this application and it was agreed that the uses be restricted to the original application of a wearing apparel shop and the existing residential units.

The Committee then APPROVED the following recommendation:

(a) That APPROVAL be given to Zoning Application 87-83, Antonio Mascia, owner, for a modification to the established "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations for property located at No. 270 Main Street West, as shown on the attached map marked as APPENDIX "K" on the following basis:

i) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variance as a special requirement:

1. Notwithstanding Section 11(1) of By-law No. 6593, the ground floor of the existing dwelling may be converted to permit the following commercial use in accordance with the provisions of Section 11A(ii):

(A) a wearing apparel shop.

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1065, and that the subject lands on Zoning District Map W-12 be notated S-1065;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-12; and,

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a modification to the established "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations applicable to property located at No. 270 Main Street West.

The intent of the By-law is to permit conversion of the ground floor of the existing dwelling located on the property to the following commercial use:

(a) a wearing apparel shop.

Alderman Smith absented himself from the Chair and in his capacity as Chairman of the Urban Design Committee advised the Planning and Development Committee that they are working on a report on this area and that the parking is being addressed.

The Committee agreed to lift from the table a Zoning Application respecting ZA87-98 for property at No. 1300 Garth Street.

ZA87-98 - 1300 Garth Street.

The Committee was in receipt of a report on this matter from the Planning and Development Department dated 1987 September 29.

The Committee APPROVED the following recommendation:

"That APPROVAL be given to Zoning Application 87-98, Ardor Investments Limited, owner, for a modification to the "G" (Neighbourhood Shopping Centre, etc.) District, to permit a veterinarian clinic to locate within the existing commercial plaza, for the property located at No. 1300 Garth Street, as shown on the attached map marked as APPENDIX "L", on the following basis:

(a) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations as contained in Section 13 applicable to the subject lands be modified to include the following variance:

(i) That notwithstanding Section 13(1), a veterinarian clinic shall be permitted within the existing commercial plaza.

(b) That the amending By-law be added to Section 13 of Zoning By-law No. 6593 as Schedule S-1066, and that the subject lands on Zoning District Map W-27D be noted S-1066;

(c) That the City Solicitor be directed to prepare a By-law to amend zoning By-law No. 6593 and Zoning District Map W-27D;

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this By-law is to provide for a modification to the "G" (Neighbourhood Shopping Centre, etc.) District for the property located at No.1300 Garth Street.

The effect of the By-law is to permit a veterinarian clinic to locate within the existing commercial plaza".

Adjournment.

The Committee then adjourned to be reconvened in the evening for one Zoning Application.

Evening Session.

The Committee readjourned at 7:00 o'clock p.m. for the purpose of hearing a Zoning Application.

There were present: Alderman J. Smith, Chairman
Alderman T. Cooke
Alderman D. Agostino
Alderman H. Merling
Alderman W. McCulloch

Also present: Alderman J. Gallagher
Mr. V. Abraham, Director of Local Planning
Mr. J. Zipay, Planning Department
Mr. L. King, Building Department
Mr. K. Brenner, Regional Engineering Department
Mr. R. Karl, Traffic Department
Mr. G. Groppler, Planning Department
Mr. D. Godley, Planning Department
Mrs. S. K. Reeder, Acting Secretary

ZA87-119 - 986 - 998 Upper Wentworth.

The Committee agreed to lift from the table Zoning Application 87-119, respecting property at Nos. 986 - 998 Upper Wentworth Street.

Report of the circularization was given as follows:

488 notices sent 7 in favour 19 opposed

Alderman Merling addressed the Committee and indicated that he had a petition against this application and submitted this to the Secretary.

The Committee was also in receipt of a letter of objection from Mr. & Mrs. David Cravero, 35 Titmouse Court dated 1988 January 12.

The Committee was also in receipt of a letter of objection from Mr. Derek Smith and family, 40 Heron Place received by the Planning and Development Department on 1988 January 28.

The Committee was in receipt of a report on this matter from the Planning and Development Department dated 1988 January 20.

Mr. Trinaistich, Solicitor for the applicant spoke on the application and the reasons why it should be approved.

Mr. Middlemiss, 28 Heron Place spoke in opposition to this application. He advised that it is a poor choice of a restaurant tavern.

Mr. Poehlman, 16 Heron Place spoke in opposition to the application. He advised that the area does not generate enough traffic for just a restaurant and would require an extension, i.e. patio licence, liquor licence, etc. He is concerned at the noise, smell and late hours that this type of establishment would cause.

Alderman Merling spoke to the Committee on the application and the need to deny it.

Alderman Gallagher also spoke in opposition to this application.

Alderman T. Cooke requested clarification on why the Traffic Department is supporting this application when historically applications at this site have been denied for traffic reasons. General discussion then ensued on this.

At this point Mr. Trinaistich, Solicitor for the applicant indicated to the Committee that his client had advised him that he wish to amend his application to request permission for a restaurant only and to delete a tavern use.

Following the Committee's view of this amended application it was moved by Alderman Merling, seconded by Alderman McCulloch and carried to DENY this amended application for a restaurant as follows:

> That Zoning Application 87-119, 645437 Ontario Limited, Aaron Barzilay, owner, requesting a further modification to the Established "HH" (Restricted Community Shopping and Commercial, etc.) District regulations to permit a restaurant on property at Nos. 986 to 998 Upper Wentworth Street as shown on the attached map marked as APPENDIX "M" be DENIED for the following reasons:

(a) It is contrary to the Official Plan (i.e., O.P.A. 31) which specifically prohibits high traffic generating uses such as restaurants from locating on, among others, the subject lands;

(b) It is contrary to the approved Bruleville Neighbourhood Plan;

(c) No new evidence has been provided to justify changes to the established policy of City Council;

(d) Approval of this application would establish an undesirable precedent and set the stage for future similar applications; and,

(e) It could prejudice the results of a land use study currently underway regarding properties located on the west side of Upper Wentworth, south of Mohawk Road.

Adjournment.

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Mrs. Susan K. Reeder
Acting Secretary
1988 February 10

Wednesday, 1988 January 27
2:00 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Mayor Robert M. Morrow
Alderman D. Ross, Vice-Chairman
Alderman D. Christopherson
Alderman T. Cooke
Alderman D. Agostino
Alderman H. Merling
Alderman W. McCulloch
Alderman B. Hinkley

Also present: Alderman J. Gallagher
Alderman T. Murray
Alderman M. Kiss
Alderman G. Copps
Mr. L. Sage, Chief Administrative Officer
Ms. A. Gillespie, Planning, Planning Department
Mr. V. Abraham, Director of Local Planning
Mr. R. Karl, Traffic Department
Mr. K. Brenner, Engineering Department
Mr. P. Hooker, Solicitor's Department
Mr. D. Godley, Planning Department
Ms. M. Germann, Building Department
Mr. L. Farr, Solicitor's Department
Mr. K. Rouff, City Solicitor
Mrs. S. Renshaw, Community Development Department
Mr. Y. Schwarz, Regional Planning Department
Ms. J. Hickey, Planning Department
Mr. E. Kowalski, Director of Community Development
Mr. M. Watson, Real Estate Division
Ms. V. Grupe, Planning Department
Mr. T. Redman, Building Department
Mrs. S. K. Reeder, Acting Secretary

Delegation - Mr. Prehogan, Weir and Foulds.

The Committee received a presentation from Mr. Prehogan, Weir and Foulds, Solicitors on the City's behalf respecting the case of Butler et al versus City/Architect's fees re Library Farmer's Market.

Moved by the Mayor, seconded by Alderman Christopherson and carried to move IN CAMERA to discuss this matter.

The Committee then moved OUT OF CAMERA and continued with their Agenda.

Minutes - 1988 January 13.

The Committee was in receipt of the minutes of the meeting held Wednesday, 1988 January 13th and agreed to adopt these minutes.

Zoning Procedures.

Mayor Morrow indicated that due to time he would ask to have his item respecting zoning procedures tabled to the next meeting.

Delegation - Jockey Club Tavern.

The Committee received a delegation from Mr. Jaskula, Solicitor on behalf of the Jockey Club Tavern regarding their request for exclusion from the Ottawa Street B.I.A. The Committee was also in receipt of an information report from the Director of Community Development dated 1988, January 20th as well as a report from the City Solicitors Department dated 1987, December 16th.

Mr. Jaskula gave reference to his correspondence to the Committee dated 1988 January 8th, 1987 December 3rd and 1987 December 18th. Mr. Jaskula also distributed a map which outlines the Jockey Club Tavern.

Moved by Alderman Cooke, seconded by the Mayor and carried to move IN CAMERA to discuss this matter.

The Committee then moved OUT OF CAMERA and it was moved by the Mayor, seconded by Alderman Christopherson and carried to RECEIVE this correspondence and presentation and take these matters under advisement.

Alderman Ross, Alderman Agostino and Alderman Merling OPPOSED.

St. Elizabeth Building, 74 Charlton Ave. E.

In view of time Alderman Ross indicated that the matter he had placed on the Agenda respecting the St. Elizabeth Home Society, 74 Charlton Avenue East be TABLED to the next meeting.

Designated Area Enforcement.

Alderman Kiss, in view of the time, requested that the item she placed on the Agenda respecting Designated Area Enforcement be TABLED to the next meeting.

Proposed Budget and Schedule of Payments for 1988 - Ottawa Street B.I.A.

The Committee was in receipt of a report from the Director of Community Development dated 1988, January 19th respecting the Ottawa Street Business Improvement Area; Proposed Budget and Schedule of Payments for 1988.

The Committee APPROVED the following recommendation:

(a) That, in accordance with Schedule 'A', appended hereto and marked APPENDIX "K", the 1988 operating budget of the Ottawa Street North Business Improvement Area be approved in the amount of $85,000.; and,

(b) That, the City Solicitor be hereby authorized and directed to prepare the requisite by-law pursuant to Section 217, the Municipal Act, R.S.O. 1980, to levy the 1988 budget as referenced in (a) above; and,

(c) That, the Schedule of Payments for 1988, on a quarterly basis, with payments in February, May, August and November of $21,150. each be approved.

Alderman Ross and Alderman Merling OPPOSED.

Zoning Applications.

The Committee then adjourned to meet in the Council Chambers for the purpose of hearing Zoning Applications.

ZA87-109 - South-east corner of Upper Wentworth Street and Stone Church Road East.

The Committee was in receipt of a report from the Planning and Development Department dated 1988, January 19th respecting Zoning Application 87-109, T. Valeri Construction Ltd., owner, for the lands located at the south-east corner of Upper Wentworth Street and Stone Church Road East.

Report of the circularization was given as follows:

95 notices sent 12 in favour 5 opposed

The Committee was in receipt of a letter of objection to the Application from Hamilton General Homes (1971) Ltd.

The Committee was in receipt of a letter of objection from Mr. & Mrs. Karababas, 38 Twin Crescent.

The Committee was in receipt of a letter of objection from Mr. & Mrs. Cordeiro, 77 Twin Crescent.

Mr. Peter Edmonson, representing his mother-in-law on Stone Church Road East spoke to the Committee in opposition to this proposal. He advised that there is too much commercial in the area already.

Mr. George Barclay, Hamilton General Homes, spoke to the Committee with respect to his letter dated 1988, January 21st. He encouraged the Committee to deny this application.

The Applicant on behalf of Valeri Construction Ltd. spoke on the aspects of for approving this application.

The Committee then discussed this matter in detail and it was moved by Alderman Merling, seconded by Alderman Hinkley and carried to DENY this application as follows:

"That Zoning Application 87-109, T. Valeri Construction Ltd., owner, requesting a change in zoning from "E-2" (Multiple Dwellings) District to "CR-2" (Commercial-Residential) District, to permit the development of the subject lands for a 2 storey mixed commercial/residential building having a gross floor area of 1858m^2 (20,000 sq.ft.) for the lands located at the south-east corner of Upper Wentworth Street and Stone Church Road East, as shown on the attached map marked as APPENDIX "B" be DENIED for the following reasons:

(a) There is an adequate supply of commercial land, both existing and proposed, within this area along the abutting arterial roads to serve the needs of the present and future residents of the area. In addition, the introduction of more commercial development may undermine the viability of these approved sites.

(b) It does not comply with the Official Plan or the approved Butler Neighbourhood Plan. Both plans designate the area "Residential".

Moved by Alderman Merling, seconded by Alderman Ross and carried to lift ZA86-97 from the table.

ZA86-97 - east side of Upper Sherman Avenue area north of Stone Church Road East.

The Committee was in receipt of information respecting Zoning Application 86-97 for lands on the east side of Upper Sherman Avenue in the area north of Stone Church Road East.

The Committee then discussed this matter and it was moved by Alderman Merling, seconded by Alderman Hinkley and carried to APPROVE the following recommendation:

(A) "That APPROVAL be given to an amended Zoning Application 86-97, McNally Brothers (1965) Limited, owner, regulating a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for lands on the east side of Upper Sherman Avenue in the area north of Stone Church Road East, as shown on the attached plan marked as APPENDIX "A", on the following basis:

(a) That the lands shown as Blocks 2 and 3 be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

(b) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map E-38B and E-38C;

(c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;

(d) That the Randall Neighbourhood Plan be amended by redesignating the lands at the north-westerly corner of the site (Blocks 2 and 3) from "Attached Housing" to a "Single and Double" residential land use designation, and the road pattern be changed as shown on the revised draft plan of subdivision.

NOTE: The purpose of the By-law is to provide for a change in zoning of the subject lands shown as Blocks 2 and 3 on the attached map marked as APPENDIX "A" from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

The effect of the By-law is to permit development of the site for the purposes of establishing single-family dwelling lots in accordance with a Registered Plan of Subdivision".

(B) "That the conditions of draft plan approval of subdivision as per Section 9(a) of the Eighth Report of the Planning and Development Committee approved by City Council at its meeting held 1987 April 28, be amended as follows:

(a) That condition i) be replaced with the following wording regarding approval of a revised plan:

i) That approval now apply to the revised plan prepared by Sidney W. Woods Inc., dated 1987 October 1, further revised to show the block at the corner of Streets "B" and "E" as Block 194 and to change the location of Street "B" at the south-east corner of the plan to align with the proposed street to the east.

(b) That condition ii) referring to the owner acquiring sufficient land to establish Street "B" at the south-easterly corner of the plan to its full width, be deleted.

(c) That condition x) be replaced with the following wording:

x) That Blocks 188 and 194 be developed only in conjunction with abutting lands.

(d) That condition xi) referring to vehicle turn arounds for Lots 128 to 131, be deleted".

ZA87-114 - 390 Nebo Road.

The Committee was in receipt of a report from the Planning and Development Department dated 1988, January 12th respecting Zoning Application 87-114, Paletta International Corporation, prospective owner, for land at 390 Nebo Road. The Staff recommendation recommended denial of this application.

The Committee however, APPROVED the following recommendation:

"That APPROVAL be given to Zoning Application 87-114, Paletta International Corporation, owner, for a change in zoning of Block 1 from "M-15" (Prestige Industrial) District, to "M-12" (Prestige Industrial District) modified, and for a modification to the established "M-12" (Prestige Industrial) District regulations for Blocks 2 and 3, for property located at No. 390 Nebo Road and Nos. 1188 and 1196 Rymal Road East, as shown on the attached map marked as APPENDIX "C", on the following basis:

(a) That the lands described as Block 1 be rezoned from "M-15" (Prestige Industrial) District to "M-12" (Prestige Industrial) District;

(b) That By-law No. 85-81 passed by City Council on 1985 April 30, be amended by adding to Schedule "A" the lands shown as Blocks 1 and 2 on the attached map marked as APPENDIX "C";

(c) That Section 1(a)(i) of By-law No. 85-81 applicable to the lands shown as Blocks 1, 2 and 3 on the attached map marked as APPENDIX "C" be amended by adding thereto the following additional permitted uses to the current list of permitted uses:

(i) Offices of physicians, surgeons and dentists, private practice (S.I.C. 865);

(ii) Office of engineers (S.I.C. 7752);

(iii) Hotel, motor hotel (S.I.C. 9111); and

(iv) Motel (S.I.C. 9112);

(d) That the amending By-law by added to Section 19B of Zoning By-law No. 6593 as Schedule S-903a, and that the subject lands on Zoning District Map be notated S-903a;

(e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59E; and,

(f) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning of Block 1 from "M-15" (Prestige Industrial) District to "M-12" (Prestige Industrial) District, modified.

In addition, the By-law provides for the following modifications to the established "M-12" (Prestige Industrial) District regulations to permit, in addition to the permitted "M-12" (Prestige Industrial) uses, a number of commercial uses as well as limited residential uses, as outlined in APPENDIX "D", hereto attached".

ZA87-115 - 305-307 Main Street West.

The Committee was in receipt of a report from the Planning and Development Department dated 1988, January 20th respecting Zoning Application 87-115, Tofano and Tofano Investments, prospective owner, for property located at Nos. 305-307 Main Street West.

The Committee then agreed to DENY this application as follows:

"That Zoning Application 87-115, Tofano and Tofano Investments, prospective owner, requesting a further modification to the "D" (Urban Protected Residential -One and Two Family Dwellings, Townhouses, etc.) District, to permit the development of the subject lands for a four storey, 603.85 m^2 (6,500 sq.ft.) office building, for the property located at Nos. 305-307 Main Street West, as shown on the attached map marked as APPENDIX "E"be DENIED for the following reasons:

(a) In 1973, a special zoning was placed on a strip of properties along the south side of Main Street West between Locke Street and Queen Street which allowed for the conversion of existing dwellings for limited commercial uses. The intent of this by-law is to encourage the re-use of existing two and three storey residential buildings for specialty type commercial uses, such as gift shops, wearing apparel stores, photography studio, business offices, etc. This type of "village" development is similar to the Hess Village concept.

In the context of the above, the proposed four storey office building, by virtue of its height, mass and character, is inappropriate in an area where two and three storey "residential" buildings predominate and therefore, would undermine the intent of the existing zoning and be out of character with the surrounding development.

(b) The proposed development could set an undesirable precedent for future redevelopment of a strip commercial nature".

SA87-31 and ZA87-104 - west side of the proposed extension of Greenhill Avenue, south of Pavarotti Court.

The Committee was in receipt of a report from the Planning and Development Department dated 1987, December 18th respecting Subdivision Application 87-31, for land on the west side of the proposed extension of Greenhill Avenue, south of Pavarotti Court and Zoning Application 87-104 for property on the west side of the proposed extension of Greenhill Avenue in the area south of Pavarotti Court.

Moved by Alderman Agostino, seconded by Alderman Ross and carried to APPROVE the following recommendation:

"That APPROVAL be given to Zoning Application 87-104, A. De Santis Developments Limited, owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located on the west side of the proposed extension of Greenhill Avenue in the area south of Pavarotti Court, as shown on the attached map marked as APPENDIX "F" on the following basis:

(a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

(b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-107;

(c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;

(d) That the Gershome Neighbourhood Plan be amended by redesignating the subject lands from "Civic and Institutional" to a "Single and Double" residential land use designation.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located on the west side of the proposed extension of Greenhill Avenue, in the area south of Pavarotti Court.

The effect of the By-law is to permit development of the subject lands for single-family dwellings in accordance with a draft plan of subdivision".

(a) "That APPROVAL be given for Subdivision Application 87-31, A De Santis Developments Ltd., owner, to establish a draft plan of subdivision on the west side of the proposed extension of Greenhill Avenue south of Pavarotti Court, subject to the following conditions:

(i) That the approval apply to the plan prepared by Odan Engineering dated 1987 August 20, revised to show a 12m x 12m daylight triangle at the north-east corner of Lot 24, a full road width for Greenhill Avenue together with 0.3m reserves and dimensions for the cul-de-sac bulb curves.

(ii) That the owner acquire sufficient land to establish Greenhill Avenue to its full required width.

(iii) That the final plan for Lots 1 to 23 inclusive not be approved until such time as installation of municipal services on Greenhill Avenue have been completed.

(iv) That the streets be dedicated as public highways on the final plan.

(v) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

(vi) That the final plan conform with the City of Hamilton Zoning By-law.

(vii) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.

(viii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

(ix) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.

(x) That the dead-end and open side of the road allowance (Blocks "29" and "30") created by the plan be terminated in 0.3m reserves to be conveyed to the City of Hamilton and to be held by the City until required for the extension of the road allowance and/or development of adjacent lands.

(xi) That the owner shall erect a sign in accordance with Section X of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

(xii) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

(b) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-87-31), A. De Santis Developments Ltd., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council".

SA87-19 and ZA87-111 - west side of Upper Ottawa Street, north of Everest Street .

The Committee was in receipt of a report from the Planning and Development Department dated 1987, December 16th respecting Subdivision Application 87-19, for land on the west side of Upper Ottawa Street, north of Everest Street, as well as Zoning Application 87-111, Marie Cantelmi, owner, for land at 1538 Upper Ottawa Street.

The Committee APPROVED the following recommendations:

1538 Upper Ottawa Street.

"That APPROVAL be given to Zoning Application 87-111, Marie Cantelmi, owner, requesting a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Detached) District to permit the development of the subject lands for small lot, single-family dwellings for the lands located in the area municipally known as No. 1538 Upper Ottawa Street, as shown on the attached map marked as APPENDIX "G", on the following basis:

(a) That the subject lands be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Detached) District;

(b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49D;

(c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(d) That the Templemead Neighbourhood Plan be amended by redesignating the subject lands from "Attached Housing" to "Single and Double Housing".

NOTE: The purpose of this By-law is to provide for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Detached) District for the lands located in the area municipally known as No. 1538 Upper Ottawa Street.

The effect of this by-law is to permit the development of the subject lands for single small lot family dwellings with an average lot size of 306m^2 and average lot width of 10m".

(a) "That APPROVAL be given for Subdivision Application 87-19, Estate of Paul Cantelmi, owner, to establish a draft plan of subdivision on the west side of Upper Ottawa Street north of Everest Street, subject to the following conditions:

(i) That the approval apply to the plan prepared by Sidney W. Woods Inc., dated 1987, June 25, revised to widen the cul-de-sac to 20 m with a 15 m radius bulb and to relot the plan to now show 14 lots with the "lands to be retained" shown as Lot 15, the street widening as Block "16", and a block for 0.3m reserve.

(ii) That the owner acquire sufficient land to establish the street in full and the street widening (Block "16") be dedicated as public highway on the final plan.

(iii) That the street be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

(iv) That the final plan conform with the City of Hamilton Zoning By-law.

(v) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.

(vi) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

(vii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.

(viii) That the open side of the road allowance (Block "18") created by the plan be terminated in a 0.3m reserve to be conveyed to the City of Hamilton and to be held by the City until required for the development of adjacent lands.

(ix) That Block "17" be developed only in conjunction with abutting lands.

(x) That the owner shall erect a sign in accordance with Section X of the subsequent Subdivision Agreement prior the issuance of a final release by the City of Hamilton.

(xi) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

(b) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-87-19), Estate of Paul Cantelmi, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council".

ZA87-119 - 986-998 Upper Wentworth Street

The Committee was in receipt of a report from the Planning and Development Department dated 1988, January 20th respecting Zoning Application 87-119, Aaron Barzilay, owner, for property at 986-998 Upper Wentworth.

General discussion ensued on this matter as the Applicant indicated that he would like this matter tabled in order that his Attorney could be present. Mr. P. Hooker, of the City's Solicitors Department was called upon for his legal advice on whether deferring this matter on the request of the Applicant would be appropriate. Mr. V. Abraham, Director of Local Planning also gave comments on this matter.

Following considerable discussion on this, it was moved by Alderman Merling, seconded by Alderman Ross and carried that this matter be tabled to the next meeting of the Planning and Development Committee and that this issue be discussed at 7:00 o'clock p.m. in Room 233.

It was noted that Alderman Gallagher and Alderman Merling will advise the residents and Appellant that this matter will be discussed.

ZA87-48 - west side of Upper James Street in the area south of Stoney Church Road West.

The Committee was in receipt of a report from the Planning and Development Department dated 1988, January 18th respecting Zoning Application 87-48, Bayfield Green Development Co., prospective owner, for property located on the west side of Upper James Street in the area south of Stone Church Road West.

Report of the circularization was given as follows:

72 notices sent 9 in favour 12 opposed

The Committee was in receipt of a letter dated 1988, January 27th from Mr. & Mrs. Smith, 375 Upper James Street in opposition to this proposal.

The Committee was in receipt of a letter from Dr. & Mrs. Robert Dickson, 1428 Upper James Street, dated 1988 January 12th in opposition to this application.

The Committee was in receipt of a submission by Mr. Robert J. Morris, 1452 Upper James Street in opposition to the Official Plan Amendment and zoning changes.

Mr. Bob Morris of 1452 Upper James Street spoke to the Committee. He questioned the Official Plan Amendment and the submission which has changed several times. Mr. Morris distributed pictures of a Cashway Development in Burlington for Members of the Committee to see and stated that the type of development that would be occurring on Upper James Street would be of a similar nature. Mr. Morris then read through his presentation as distributed to the Committee Members.

Mrs. Dickson, referred to her letter and oppositions.

Mrs. Marilyn Smith, 1375 Upper James Street appeared before the Committee and spoke in opposition to the Application and specifically mentioned drainage problems that already exist.

The Developer for Bayfield Green Development spoke to the Committee and spoke on the changes to the plan in keeping with the various neighbourhood meetings that had been held. He indicated that Cashway and White Rose both agreed to time delay in construction.

Following discussion on this matter it was moved by Alderman Ross, seconded by Alderman Hinkley and carried to APPROVE the following recommendation:

(A) "That APPROVAL be given to Official Plan Amendment No. 54 to redesignate the westerly portion of Block "2" from "Residential" to "Commercial" and to extend Special Policy Area No. 31; and, that the City Solicitor be directed to prepare a By-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth.

(B) That APPROVAL be given to an amended Zoning Application 87-48, Bayfield Green Development Co., prospective owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District and "HH" (Restricted Community Shopping and Commercial, etc.) District, modified; and from "C" (Urban Protected Residential, etc.) District and "H" (Community Shopping and Commercial, etc.) District to "HH" (Restricted Community Shopping and Commercial, etc.) District, modified to permit the development of the subject lands for single family dwellings (Block "1") and a commercial plaza (Blocks "2", "3" and "4"), for the property located on the west side of Upper James Street in the area south of Stone Church Road West, as shown on the attached map marked as APPENDIX "H", on the following basis:

(a) That the amending By-law apply the holding provisions of Section 35(1) of the Planning Act R.S.O. 1983 to the subject lands, by introducing the holding symbol "H" as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until municipal sewers are installed.

Removal of the holding restriction shall be conditional upon the installation of municipal sewers serving the subject lands and passage of an amending By-law. City Council may remove the 'H' symbol, and thereby give effect to the "C" and "HH" provisions as stipulated in this by-law by enactment of an amending by-law once municipal sewers have been installed.

(b) That Block "1" be rezoned from "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc.) District;

(c) That Block "2" be rezoned from "AA" (Agricultural) District to "HH" - 'H' (Restricted Community Shopping and Commercial, etc.) District;

(d) That Block "3" be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" - 'H' (Restricted Community Shopping and Commercial, etc.) District;

(e) That Block "4" be rezoned from "H" (Community Shopping and Commercial, etc.) District to "HH" - 'H' (Restricted Community Shopping and Commercial, etc.) District;

(f) That the "HH" (Restricted Community Shopping and Commercial, etc.) District regulations as contained in Section 14A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

(i) That notwithstanding Section 14A(1), the following uses shall be prohibited.

(1) a brewers warehouse within 61m of the northerly lot line;
(2) a liquor dispensary within 61m of the northerly lot line;
(3) a hotel;
(4) a tavern;
(5) a bowling alley;
(6) a billiard room;
(7) a shooting gallery;
(8) a penny arcade;
(9) a public hall;
(10) a music hall;
(11) a theater;
(12) other place of amusement;
(13) a massage parlour;
(14) a public bath;
(15) an auctioneers premise;
(16) an autobody repair or auto body paint shop
(17) a bill board;
(18) a roof sign;
(19) an automobile service station;
(20) a car wash in conjunction within an automobile service station.
(21) a public parking lot;
(22) a fraternity or sorority house;
(23) a labour union hall;
(24) a district yard;
(25) a college or university.

(ii) That notwithstanding Section 14A, the following outside storage requirements shall apply:

1) No front yard shall be used for outside storage.

2) Every side yard or rear yard that is used for outside storage of any material or any equipment shall be completely screened from external view by a visual barrier not less than 1.5 metres in height and not more than 3.0 metres in height.

3) No part of a side yard or rear yard used for outside storage shall be situated less than 4.5 metres from an abutting street line or from the boundary of an abutting residential district.

4) The total area used for storage outside of a building or structure shall not exceed 19% of the lot area.

(iii) That notwithstanding Section 14A(3)(a), a minimum front yard of 21m shall be required, except for the existing building located on the site.

(iv) That notwithstanding Section 14A(3)(b), a minimum westerly side yard of 3m shall be provided.

(v) That notwithstanding Section 18A, a landscaped strip, berm and visual barriers as shown on Schedule "B" attached herewith and marked APPENDIX "I", shall apply.

(g) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1061, and that the subject lands on Zoning District Map W-9C be notated S-1061;

(h) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9C;

(i) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area once Official Plan Amendment No. 54 is approved.

(j) That the Mewburn Neighbourhood Plan be amended by redesignating the westerly portion of Block "2" from "Residential" to "Commercial and Retail Warehouses".

(k) That the amending By-law not be forwarded to City Council for adoption until such time as the site plan is approved by the Planning and Development Committee.

NOTE: The purpose of this By-law is to provide for changes in zoning for the property located on the west side of Upper James Street, in the area south of Stone Church Road West, on the following basis:

Block 1 - From "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc.) District;

Block 2 - From "AA" (Agricultural) District to "HH" - 'H' (Restricted Community Shopping and Commercial), etc. District, modified;

Block 3 - From "C" (Urban Protected Residential, etc.) District to "HH" - 'H' (Restricted Community Shopping and Commercial) District, modified;

Block 4 - From "H" (Community Shopping and Commercial, etc.) District to "HH" - 'H' (Restricted Community Shopping and Commercial) District, modified,

The amending By-law applies to the holding provisions (as denoted by the 'H' suffix) of Section 35(1) of the Planning Act to the subject lands. This provision will prohibit the development of the lands until municipal sewers are installed. Once the sewers are available, City Council may remove the 'H' symbol by passing the amending By-law.

The effect of the By-law is to permit the development of the subject lands for single family dwellings (Block "1") and a commercial plaza (Blocks "2", "3" and "4").

In addition, the By-law provides for the following variances:

(a) to delete several uses otherwise permitted in the "HH" District.

(b) to permit an outside storage area limited in size to a maximum of 19% of the total commercial lot area whereas no outdoor storage is permitted;

(c) to require a minimum front yard of 21m (except for the existing building) instead of the required 12m;

(d) to require a minimum westerly side yard of 3m instead of the legally required 4.5m;

(e) to require landscaped strips, visual barriers and a berm as provided for on Schedule"B", attached herewith and marked APPENDIX "I". The proposed landscaped strips and visual barriers to be provided are in excess of the current by-law provisions which requires a minimum 1.5m wide landscaped strip and a visual barrier between 1.2m and 1.8m in height between a parking area and a residential district. The applicant will be providing landscaped strips ranging from 3.0m to 9.1m in width and visual barriers between 1.8m and 3.0m in height. There are no by-law requirements respecting the provision of berms".

Amendment - roof leaders by-law.

Alderman Merling asked that the Committee consider approving an exemption to the recently passed roof leaders by-law.

It was moved by Alderman Merling, seconded by Alderman Agostino and carried to APPROVE the following recommendation:

"That the City Solicitor be authorized and directed to amend By-law 88-9 respecting roof leaders to exempt subdivisions that were approved prior to 1988 January 15th by the City and Region from this by-law".

Normanhurst Neighbourhood.

The Committee was in receipt of a report from the Planning and Development Department dated 1988, January 19th respecting the Normanhurst Neighbourhood.

Considerable discussion on this matter ensued and it was moved by Alderman Ross, seconded by the Mayor that:

"Sections 1, 4 and 5 and Schedule A and A5 be deleted from By-Law 84-46 respecting the Normanhurst Neighbourhood.

NOTE: Motion lost on a tie vote.

Moved by Alderman Christopherson, seconded by Alderman Agostino that:

(a) Sections 1, 4 and 5 and Schedule A and A5 be deleted from By-Law 84-46 respecting the Normanhurst Neighbourhood, and

(b) That Zoning By-Law 65-93 be amended to delete the following uses from the "K" (Heavy Industrial) zoning in the Normanhurst Neighbourhood occupied by H.H. Robertson, Coca-Cola, Union Gas and Parkdale Auto Wrecking:

(i) Ammonia Manufacture and Storage.
(ii) Asbestos Products Manufacture.
(iii) Chlorine and Chlorine Bleaches Manufacture.
(iv) Coke Oven.
(v) Fireworks Manufacture.
(vi) Garbage Dump.
(vii) Gas Plant.
(viii) Lampblack Manufacture.
(ix) Nitrating Plant.
(x) Paper Mill.
(xi) Petroleum and Petroleum Products Manufacturing.
(xii) Potash Manufacture.

(xiii) Propane Gas Manufacture and Storage.
(xiv) Carbon Manufacture.
(xv) Non Ferrous Metals Manufacture.
(xvi) Distillation Plant.
(xvii) Fuel Storage Tank.
(xviii) Primary Metals Plant.
(xix) Rock Crushing Plant.
(xx) Tallow Rendering Plant.
(xxi) Tar and Tar Products Manufacture.

(c) That the Director of Local Planning be authorized to prepare the appropriate Official Plan Amendment documents.

NOTE: Motion lost on a tie vote.

Secretary's Note: In accordance with City policy the above two recommendations are being submitted to City Council as a negative recommendation.

Proposed Amendments - Hamilton Official Plan and Stipeley Neighbourhood Plan.

The Committee was in receipt of a report from the Planning and Development Department dated 1988, January 19th respecting proposed amendments to the City of Hamilton Official Plan and the Stipeley Neighbourhood Plan to recognize the planned park on the former Hamilton Foundry Site.

"That APPROVAL be given to the following plan amendments, to permit the development of lands at 33 Clinton Street for park purposes, as shown on the map attached hereto and marked APPENDIX "J":

(a) That the City of Hamilton Official Plan be amended by redesignating the subject lands from "Industrial" to "Open Space"; and,

(b) That the approved Stipeley Neighbourhood Plan be amended by redesignating the subject lands from "Industrial" to "Park and Recreational".

NOTE: The proposed amendments reflect the City's intention to develop this site for park purposes. The purchase of this site was completed in 1987, December".

Demolition Permit Applications.

The Committee was in receipt of a report from the Building Commissioner dated 1988, January 20th respecting demolition permit applications of residential buildings.

The Committee APPROVED the following:

"That the Building Commissioner be authorized to issue demolition permits for the demolition of the following residential buildings:

(a) 497 Stone Church Road East.

(b) 143 Nash Road South.

(c) 384 Limeridge Road East.

(d) 318 Queenston Road.

(e) 180 Pritchard Road.

(f) 183 Mud Street.

(g) 143/145 Walnut Street South.

(h) 22 Gerrard.

(i) 130 Tope Crescent.

(j) 523 Rymal Road West.

(k) 110 Pritchard Road".

Applications - Ontario Home Renewal Programme.

The Committee was in receipt of a report from the Director of Community Development dated 1987, December 31 respecting applications for grants/loans from the Ontario Home Renewal Programme (O.H.R.P.).

The Committee APPROVED the following:

"That the Director of Community Development be authorized to process grants/loans in the amount not to exceed $7,500. to the following applicants:

(a) G. Socha
328 East 36th Street

(b) D. Weaver
151 Cameron Ave. North

(c) A. Kelly
6 Elsa Court.

(d) S. Deabreu
40 Leinster Ave. South

(e) F. Utman
17 Brant Street

(f) H. Good
127 South Bend Rd. East

NOTE: The actual amount of grant or loan to be determined by inspection of the property under the Property Standards By-law 74-74 and pursuant to Regulation 506 (R.R.O. 1980) under The Housing Development Act for the Ontario Home Renewal Programme (O.H.R.P.)".

Appointment of Consultant - Crown Point West / Stipeley Programme.

The Committee was in receipt of an amended report from the Director of Community Development dated 1988, January 26th respecting Crown Point West/Stipeley Programme for renewal, improvement, development and economic revilization (P.R.I.D.E.) Phase I, appointment of Consultant.

The Committee APPROVED the following:

(a) "That, Frank Basciano Landscape Architects Limited be appointed for the consultation design, design development, preparation of working drawings and specifications ready for construction tender, construction supervision, contract management and contract document preparation of the Crown Point West/Stipeley P.R.I.D.E. Phase I at an upset fee of $66,000.; and,

(b) That, the City Solicitor be authorized and directed to prepare the necessary agreement between the City and Frank Basciano Landscape Architects Limited; and,

(c) That, the Mayor and City Clerk be authorized to execute the agreement referenced in (b) above".

Payment of Account-Butler et al vs. City/Architects fees - Library Farmer's Market.

The Committee was in receipt of a report from the Acting City Solicitor, dated 1987 December 11th respecting Butler et al versus City/Architects fees re Library Farmer's Market.

The Committee APPROVED the following:

"That the interim account of Weir and Foulds, Barristers and Solicitors dated 1987 October 21, in the amount of $2,758.50 for fees and $222.00 for disbursements for a total of $2,980.50 be paid.

NOTE: This account covers services from 1987 September 29 to 1987 October 23.

This involves a Supreme Court of Ontario action by the architects of the Hamilton Central Library and Farmers' Market for further fees and interest in the amount of $600,000. By adopting Section 20 of The Twenty-fifth Report of the Planning and Development Committee at its meeting of 1985 September 24, City Council approved the firm of Weir and Foulds, Barristers and Solicitors, to be retained under the direction of the City Solicitor to act for the City".

Payment of Account-Barnett Expropriations.

The Committee was in receipt of a report from the City Solicitor's dated 1987, January 12th respecting Barnett Expropriations - 10, 14 and 14-1/2 Market Street.

The Committee APPROVED the following:

"That the account of Weir and Foulds dated 1987 November 26, in the amount of $3,724.22 inclusive of disbursements, for services rendered from 1987 January 19 to and including 1987 November 10 be paid.

NOTE: Weir and Foulds were retained in January of 1974 to act as the City's counsel with respect to the Barnett Expropriations and other expropriations in the Lloyd D. Jackson Square urban renewal area.

Mr. Barnett and his family owned several properties that were expropriated. Proceedings with respect to all, but 10, 14 and 14-1/2 Market Square have been completed. As soon as Mr. Barnett and his solicitors are through formulating their claims with respect to 10, 14 and 14-1/2 Market Square, Weir and Foulds will be able to attempt a negotiated settlement, failing which, same will proceed to the Land Compensation Board".

Purchase by the City - 105 Sherman N.

The Committee was in receipt of a report from the Director of Property dated 1988, January 20th respecting the purchase by the City of property at 405 Sherman Avenue North.

The Committee APPROVED the following:

"That an Option to Purchase the property at 405 Sherman Avenue North duly executed by Giovanni Piconi on 1988 January 19, and scheduled to close on or before 1988 June 24, be completed.

NOTE: This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan I and has a frontage of 6.196 metres (20.33 feet) by a depth of 27.432 metres (90 feet) comprising an approximate area of 169.97 square metres (1,829.7 square feet) with structures erected thereon. The purchase price of $50,950. and all costs and associated expenses, including Tenant Moving Allowances, to be charged to account no. 0408-W-75266. Demolition is to take place upon closing".

Purchase by the City - 403 Sherman Ave. N.

The Committee was in receipt of a report from the Director of Property dated 1988, January 19th respecting the purchase by the City of property at 403 Sherman Avenue North.

The Committee APPROVED the following:

"That the closing date for the purchase by the City of 403 Sherman Avenue North from Mr. D. Arnott be extended from 1987 November 24 to 1988 February 1. All other terms and conditions of this transaction shall remain the same and time continues of the essence.

NOTE: Due to circumstances involving the title to the property and in order to satisfy the requirements of the City Solicitor with respect to same, the owner's solicitor has requested an extension until 1988 February 1".

Purchase by the City - 13 Gerrard St.

The Committee was in receipt of a report from the Director of Property dated 1988, January 14th respecting the purchase by the City of property at 13 Gerrard Street.

The Committee APPROVED the following:

"That the closing date for the purchase of 13 Gerrard Street be extended from 1988 March 1 to 1988 April 5. All other terms and conditions of this transaction shall remain the same, and time continues of the essence.

NOTE: Mrs. Miksza's solicitor, Mr. E. Cain, has requested the above extension on behalf of his client as Mrs. Miksza will be unable to relocate to a senior citizen's apartment until 1988 April 5".

City Sale - southerly limit of York Boulevard between Hess Street North and Queen Street North.

The Committee was in receipt of a report from the Director of Property dated 1988, January 19th respecting the City's sale of vacant land located on the southerly limit of York Boulevard between Hess Street North and Queen Street North to Mr. D. L. Nash and Mr. B. W. Morison.

The Committee APPROVED the following:

"That an Offer to Purchase an irregular shaped parcel of vacant land located on the southerly limit of York Boulevard between Hess Street North and Queen Street North from Douglas L. Nash and Brian W. Morison, scheduled for closing on or before 1988 January 14, be extended to close on or before 1988 March 1.

The extension is to be granted on the understanding that all other terms and conditions agreed to within the Offer to Purchase will remain unchanged, and time will remain of the essence.

NOTE: Council approved the sale of the subject lands on 1987 May 26 with a closing date tentatively scheduled for 1987 October 29. One of the conditions of the sale was that development of the property be subject to "Site Plan Control" and that such plans for development be approved by the City prior to the closing of the transaction. Because this mandatory site plan approval was unable to be obtained prior to the original closing set out in the Agreement, an extension to 1988 January 14 was approved by City Council at its meeting on 1987 November 24.

An application for site plan approval has now been filed, but formal approval as required by the agreement still has not been obtained, and and thus the request for an extension of the closing date until 1988 March 1.

Should formal site plan approval be obtained earlier than that date, Solicitor Morison has advised that his clients will close as soon as the City is satisfied that the condition in the sales contract has been met".

Termination of Sale- 26 - 36 Keefer Court.

The Committee was in receipt of a report from the Director of Property dated 1987, December 22 respecting the termination of sale of Parts 10 & 11, 62M-6188, 26 - 36 Keefer Court.

The Committee APPROVED the following:

(a) "That an Offer to Purchase the lands of the Corporation of the City of Hamilton located at 26 - 36 Keefer Court, Parts 10 & 11, 62M-6188, duly executed on 1987 April 6, by the Purchasers, Jim Pattison Industries Ltd. operating as Mountain City News be terminated and the Purchaser's deposit in the amount of $11,600. be returned in full without deduction.

(b) That Item 15 of the 8th Report of the Planning & Development Committee as adopted by City Council on 1987 April 28 be rescinded.

NOTE: The aforementioned Offer to Purchase agreement was subject to the approval of the Board of Directors of Jim Pattison Industries Limited.

A letter has been received from Mr. Bertram Leggat, Q.C., Solicitor for the Purchaser in which he advises that the cost of the client's proposed building has far exceeded the Purchaser's corporate budget, and as a result the Purchaser's Board of Directors will not approve the purchase of the subject lands.

In view of this information the Purchaser wishes to exercise its right to terminate the sale and have the deposit returned".

Appeal - Arosa Properties - Bayview Glen Estates - 5% cash in lieu valuation.

The Committee was in receipt of a report from the Director of Property, dated 1987 December 23 respecting the appeal for Bayview Glen Estates Subdivision - 5% cash in lieu valuation.

The Committee APPROVED the following:

(a) "That the Bayview Glen Plan of Subdivision be valued as of 1987 February 18th, pursuant to Section 41 of the Planning Act; and

(b) That the value of $2,555,000. placed on the lands by the Property Department, (being 61 single family residential building lots valued at an average price of $41,885. each, be upheld".

5% Parkland Dedication - "Gilkson Village"

The Committee was in receipt of a report from the Department of Engineering dated 1988, January 20th respecting cash payment in lieu of 5% parkland dedication - "Gilkson Village", Hamilton.

The Committee APPROVED the following:

"That the Corporation of the City of Hamilton accept the sum of $4,460.27 as cash payment in lieu of 5% dedication of lands, in connection with "Gilkson Village", Hamilton, this being the cash requirement under Section 50 of the Planning Act.

NOTE: These lands are located south of the proposed Mountain Freeway and east of Upper Paradise Road in the Gilkson Neighbourhood".

Heritage Permit Application - Christ's Church Cathedral.

The Committee was in receipt of a report from L.A.C.A.C. dated 1988, January 5 respecting a Heritage Permit Application for new front steps from Christ's Church Cathedral .

The Committee APPROVED the following recommendation:

"That the plans for three sets of stone steps on the front (west facade) of Christ's Church Cathedral be approved.

NOTE: Any alterations or additions to the designated facades of the church requires Council approval".

Designation request - St. Clair Boulevard.

The Committee was in receipt of a report from L.A.C.A.C. dated 1988 January 5 respecting designation request from St. Clair Boulevard.

The Committee APPROVED the following recommendation:

"That a Heritage Conservation District Study and Plan for the area comprising St. Clair Boulevard (between Delaware Avenue and Cumberland Avenue) be undertaken.

NOTE: The St. Clair Boulevard Homeowners Association has submitted a petition signed by all 37 property owners requesting that the above-delineated area be designated under Part V of the Ontario Heritage Act as a Heritage Conservation District".

Designation - Ground Floor Interior - Custom House.

The Committee was in receipt of a report from L.A.C.A.C. dated 1988, January 5 respecting the designation of the ground floor interior for the Custom House.

The Committee APPROVED the following:

(a) "That the designation of the Custom House be extended to the entire first floor of the interior, including the staircase which originally ran to the third floor. Reasons for designation are attached herewith and marked as APPENDIX "L".

(b) That the City Solicitor be authorized and directed to amend the designating by-law.

NOTE: The owner has requested designation of the entire ground floor interior because funding for its restoration has been awarded by the Province.

Certificates of the Chief Planning Officer.

The Committee was in receipt of a report from the Planning and Development Department dated 1987, December 30 respecting Certificates of the Chief Planning Officer.

The Committee APPROVED the following:

"That By-law 83-136 be repealed and that Bill D-27 herewith submitted in Section 36(k), appointing a Chief Planning Officer for the purposes of signing statements of conformity and undertakings requiring OMB approval, on behalf of the City of Hamilton, be approved".

Hamilton Perimeter Road Study - Phase I.

The Committee was in receipt of a report from the Planning and Development Department dated 1988, January 19th respecting the Hamilton Perimeter Road Study - Phase I.

The Committee APPROVED the following recommendation:

"That the Planning and Development Committee informed the Transport and Environment Committee that the Hamilton Perimeter Road Study is proceeding satisfactorily.

NOTE: The above resolution is a result of City Council's directive at their meeting held 1987, November 10th that the Planning and Development Committee, the Parks and Recreation Committee and the Finance Committee be requested to provide comments to the Transport and Environment Committee on the Phase I report of the Hamilton Perimeter Road.

Site Plan Control Application DA85-47 - 574 James St. N.

The Committee was in receipt of a report from the Planning and Development Department dated 1988, January 19th respecting Site Plan Control Application DA-85-47 for a Commercial Plaza at 574 James Street North.

The Committee APPROVED Site Plan Control Application DA-87-103 by Mr. Z. Cwierdizinski and Mr. E. Seidel, owner, of the lands at 574 James Street North, to amend approved plans of Site Plan Control Application DA-85-47 to provide for an additional access driveway on Burlington Street, subject to the following:

(a) Submission of a revised grading plan for the access driveway to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department.

(b) Confirmation that a Planting Area of $10m^2$ will be provided in the area adjacent to the intersection of James Street North and Burlington Street (By-Law Requirement 85-64).

Site Plan Control Application DA87-109 - 686 Queenston Road. (Queenston Mall.)

The Committee was in receipt of a report from the Planning and Development Department dated 1987, December 23 respecting Site Plan Control Application DA-87-109 by Specialized Properties Inc., owner, of the land known as 686 Queenston Road (Queenston Mall) for the erection of a canopy and installation of new sign panels.

The Committee APPROVED the Site Plan Control Application and forwarded the following recommendation to City Council for approval respecting a discharge of an existing contract agreement registered on title.

"That in regards to Site Plan Control Application DA-87-109 for building elevation changes at 686 Queenston Road, also known as Queenston Mall, that the existing contract agreement registered on title of the land as Instrument No. 14881 LT, on 1973, March 16th, be discharged".

Subdivision Application 87-29 - west side of Upper Paradise Road, north of the proposed Mountain Freeway.

The Committee was in receipt of a report from the Planning and Development Department dated 1987, December 3 respecting Subdivision Application 87-29, Amadan Investments Ltd., owner, for a Draft Plan of Condominium located at the west side of Upper Paradise Road, north of the proposed Mountain Freeway as follows:

"That APPROVAL be given to Subdivision Application 87-29, Amadan Investments Ltd., owner, to establish a Draft Plan of Condominium located at the west side of Upper Paradise Road north of the proposed Mountain Freeway, subject to the following conditions:

(a) That this approval apply to the plan prepared by MacKay, MacKay & Peters Limited, Ontario Land Surveyors, dated 1987 June 30.

(b) That the owner dedicate a 15m wide easement for a berm and for noise purposes along the southerly boundary of this plan of condominium with the northerly boundary of the proposed Mountain Freeway.

(c) That the owner agree in writing to satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth".

Subdivision Application 87-14 - South side of Mohawk Road West and west of Magnolia Drive.

The Committee was in receipt of a report from the Planning and Development Department dated 1987, December 3 respecting Subdivision Application 87-14, Spallaci Construction Company Limited, owner, for a Draft Plan of Condominium located on the south side of Mohawk Road West and west of Magnolia Drive.

The Committee APPROVED the following:

"That APPROVAL be given to Subdivision Application 87-14, Spallaci Construction Company Limited, owner, to establish a Draft Plan of Condominium located on the south side of Mohawk Road West and West of Magnolia Drive, subject to the following conditions:

(a) That this approval apply to the plan prepared by A. J. Clarke and Associates Ltd., Ontario Land Surveyors, dated 1987 April 22, revised to show side yards of 7.5m.

(b) That the owner provide 5 loading spaces as shown on the approved Site Plan Control Application DA-87-27.

(c) That the owner agree in writing to satisfy the financial requirements of the Regional Municipality of Hamilton-Wentworth".

Subdivision Application 87-28 - east of Upper Paradise Road and north of Rymal Road.

The Committee was in receipt of a report from the Planning and Development Department dated 1987, December 18th respecting Subdivision Application 87-28, G. Filice, owner, for a Draft Plan of Subdivision east of Upper Paradise Road and north of Rymal Road.

The Committee APPROVED the following:

(a) "That APPROVAL be given for Subdivision Application 87-28, G. Filice, owner, to establish a draft plan of subdivision east of Upper Paradise Road and north of Rymal Road, subject to the following conditions:

(i) That this approval apply to the plan proposed by MacKay, MacKay and Peters, Limited, dated 1987 July 9, revised to show 74 lots, five blocks for development with adjoining lands, three blocks as a Ø.3m reserve, one block as a road widening and a realignment of proposed Filice Court and proposed Donnici Avenue.

(ii) That the road allowances and the widening for Rymal Road (Block "76") be dedicated as public highway on the final plan.

(iii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

(iv) That the final plan conform with the City of Hamilton Zoning By-law.

(v) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.

(vi) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

(vii) That the open sides of the road allowances created by the plan be terminated in Ø.3m reserves (Blocks "77" and "80") to be conveyed to the City of Hamilton and be held by the City until required for the future development of adjacent lands.

(viii) That Block "78", a Ø.3m reserve, be conveyed to the City of Hamilton.

(xi) That Blocks "75", "79", "81", "82" and "83" be developed only in conjunction with adjacent lands.

(x) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot in the final plan.

(xi) That the owner shall erect a sign in accordance with Section X of the Subdivision Agreement prior to the issuance of final release by the City of Hamilton.

(xii) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

(b) That a subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-87-28), G. Filice, owner, proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council".

Subdivision Application 87-22 - north of Rymal Road and generally west of Templemead Drive.

The Committee was in receipt of a report from the Planning and Development Department dated 1987, January 7 respecting Subdivision Application 87-22, P. Barnett Construction Limited and 448947 Ontario Limited, owners, for a Draft Plan of Subdivision, north of Rymal Road and generally west of Templemead Drive.

The Committee APPROVED the following:

(a) "That APPROVAL be given to Subdivision Application 87-22, P. Barnett Construction Limited and 448947 Ontario Limited, owners, to establish a draft plan of subdivision, north of Rymal Road and generally west of Templemead Drive, subject to the following conditions:

(i) That this approval apply to the plan prepared by A. J. Clarke and Associates Limited dated 1987 June 19, revised to show 146 lots, two blocks for development in conjunction with adjoining lands, a 110m centreline radius for the road at the front of lots 127 to 131 and Lots 2 to 14, one block for a road widening and four blocks for Ø.3m reserves.

(ii) That the road allowances and the widening (Block "147") be dedicated as public highways on the final plan.

(iii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

(iv) That the final plan conform with the Zoning By-law approved under The Planning Act.

(v) That the owners make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.

(vi) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

(vii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot on the final plan.

(viii) That the owners acquire Rita Avenue, Templemead Drive and Mount Pleasent Drive to their full width and include those areas as the required roads in the final plan.

(ix) That blocks "148" and "151" be developed only in conjunction with adjacent lands.

(x) That blocks "149", "153", and "154" created by the plan as a 0.3m reserve be conveyed to the City of Hamilton.

(xi) That the owners shall erect a sign in accordance with Section X of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

(xii) That Final Approval for this plan of subdivision not be given prior to the establishment of the connecting Sanitary Sewer.

(xiii) That the owners agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

(xiv) That blocks "150" and "152" created by the plan as 0.3m reserves be conveyed to the Regional Municipality of Hamilton-Wentworth.

(b) That a subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-87-22), P. Barnett Construction Limited and 448947 Ontario Limited, owners, proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

(c) That the Templemead Neighbourhood Plan be amended to show the revised road location".

Subdivision Application 87-21 - north of Limeridge Road East and west of Kingsberry Street.

The Committee was in receipt of Subdivision Application 87-21, P. Barnett Construction Ltd., and 448947 Ontario Limited, owners, for a Draft Plan of Subdivision to the north of Limeridge Road East and west of Kingsberry Street.

The Committee APPROVED the following:

(a) "That APPROVAL be given to Subdivision Application 87-21, P. Barnett Construction Ltd., and 448947 Ontario Limited, owners, to establish a draft plan of subdivision to the north of Limeridge Road East and west of Kingsberry Street, subject to the following conditions:

(i) That this approval apply to the plan prepared by A. J. Clarke and Associates dated 1987 June 24, showing 60 lots and 3 blocks of 0.3m reserves.

(ii) That the road allowances be dedicated as public highways on the final plan.

(iii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

(iv) That the final plan conform with the Zoning By-law approved under The Planning Act.

(v) That the owner convey 5% of the lands included in the plan to the City of Hamilton for park purposes.

(vi) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

(vii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot on the final plan.

(viii) That the owner acquire an easement of 20m in width from the northerly termination of proposed street "B" to a proposed road, Carson Drive (25T-83004 - Wisemount Forest Survey - Phase 3), a length of about 35m.

(ix) That the owner shall erect a sign in accordance with Section X of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

(x) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

(b) That a subdivision agreement be entered into by the Corporation of the City of Hamilton and the owners to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-87-21), P. Barnett Construction Limited and 448947 Ontario Limited, owners, proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

(c) That the Lisgar Neighbourhood Plan be changed accordingly to reflect the changes established by the draft plan of subdivision".

Adjournment.

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder, Acting Secretary
1988 January 27

cc. Mr. E. A. Simpson for Council Members
Mr. Lou Sage, C.A.O.
Mrs. Susan Reeder, Secretary - Legislation Committee for "Information, and Planning & Development Committee

Ontario
Ministry of Housing
Ministère du Logement

FEB 1 1988

International Year of Shelter for the Homeless 1987
Année internationale du logement des sans-abri

January 29, 1988

His Worship
Mayor Robert Morrow
City of Hamilton
71 Main Street West
Hamilton, Ontario, L8N 3T4

Dear Mayor Morrow:

The Ontario Buildings Branch and the Town of Lincoln are pleased to invite you to a Seminar-Workshop examining Council control of a quality, Building Inspection Service.

Most of the day will be spent in small group discussions, where you will be the only representative from the City of Hamilton Council. We are anxious to have the benefit of your political experience and perspective as we discuss staffing problems, non-compliance problems, ratepayer relations and avoiding the traps 'lying in wait', of a building official miscue. The participation of municipal politicians, administrators and building officials, in a case study format, will ensure an interesting learning experience for all.

This event is being held on March 10, 1988 at Prudhommes Landing (agenda attached). Due to luncheon arrangements, limited room capacity and for the purpose of assigning participants to appropriate workshop groups, we would ask that you confirm your attendance with Mrs. Shirley Martin in Beamsville at (416) 563-8205. We will only be able to accommodate those who confirm their attendance by March 2, 1988.

A $15.00 registration fee will be charged at the door to cover the cost of lunch, coffee and room rental. Cheques made payable to the Town of Lincoln, or cash, will be accepted.

We are looking forward to your call by March 2, 1988 and your input on March 10, 1988.

Yours truly,

Ray A. Konkle

R. A. Konkle, Mayor
Town of Lincoln

S. E. Humphrey
Ontario Buildings Branch

CONTROL OF THE BUILDING INSPECTION SERVICE

Thursday, March 10, 1988

PRUDHOMMES LANDING - Q.E.W. at Victoria Avenue
(Between Hamilton & St. Catharines)

8:00 - 8:45 a.m.	Coffee and Registration
8:45 - 9:00 a.m.	Welcome and Introduction
9:00 - 10:15 a.m.	Enforcement of the Building Code Act
	- Responsibilities of Council, Clerk and Chief Building Official
	- Liability for Non-Enforcement
	- Ingredients of a Quality Service
	- How to Avoid the Traps
	Sonia Light, Solicitor, Ministry of Housing, Legal Branch
	Stuart Humphrey Building Administration Advisor Ontario Buildings Branch
10:15 - 10:45 a.m.	Question Period
10:45 - 11:00 a.m.	Coffee
11:00 - 12:15 p.m.	Introduction to Case Studies
	Workshop Discussions

12:15 - 1:30 p.m.	BUFFET LUNCH AND CASH BAR

1:30 - 2:30 p.m.	Workshop Discussions Continued
2:30 - 3:30 p.m.	Panel Discussion of Case Studies
3:30 - 3:45 p.m.	Summary and Close

4.

FOR ACTION

REPORT TO: THE PLANNING AND DEVELOPMENT COMMITTEE

FROM: P. KUPPE, BUILDING COMMISSIONER

DATE: February 17, 1988
COMM. FILE:
DEPT. FILE:

SUBJECT:

DEMOLITION

RECOMMENDATION:

That the Building Commissioner be authorized to issue demolition permits for the demolition of residential buildings as listed below.

FINANCIAL IMPLICATIONS: N/A

BACKGROUND:

1. 14 Adair Street North
2. 13 Land Street
3. 356 Birch Avenue

5c.

FOR ACTION

REPORT TO:
Planning and Development Committee

FROM:

Mr. E. W. Kowalski, Director
Community Development

DATE: 1988 February 18
COMM FILE:
DEPT FILE:800-0608

SUBJECT:
Crown Point West/Stipeley Programme for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.), Community Improvement Plan (C.I.P.)

RECOMMENDATION

i) That, the attached Community Improvement Plan for the Crown Point West/Stipeley Neighbourhood, attached hereto as *Appendix 'A', be approved in order to implement the Programme for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.); and,

ii) That, the City Solicitor be hereby authorized and directed to prepare the requisite by-law; and,

iii) That, the City Solicitor be hereby authorized to submit to the Province, Ministry of Municipal Affairs, the Community Improvement Plan for the Crown Point West/ Stipeley Neighourbood for their approval; and

iv) That, the Mayor and City Clerk be hereby authorized to sign and execute, on behalf of the City Corporation, the Provincial-Municipal Agreement pursuant to which the P.R.I.D.E. will be implemented in the Crown Point West/ Stipeley Neighbourhood.

E. Kowalski

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

N/A

BACKGROUND

Since 1987 December, the Crown Point West/Stipeley Programme for Renewal, Improvement, Development and Economic Revitalization Citizens' Advisory Committee, and in-house staff meetings have been held to draft the Community Improvement Plan for Crown Point West/Stipeley. The Plan is necessary to implement the Crown Point West/Stipeley Programme for Renewal, Improvement, Development and Economic Revitalization.

The Crown Point West/Stipeley Programme for Renewal, Improvement, Development and Economic Revitalization is provided for in the 1988-1992 Capital Budget as Project Number E38005 at the gross cost of $800,000.

A Public Meeting was held 1988 February 17 to present the Plan to the residents of the Crown Point West/Stipeley Neighbourhood.

* *Copies of the Community Improvement Plan were distributed to members of the Planning and Development Committee. Additional copies are available from the Secretary.*

6.a.

FOR ACTION

REPORT TO: Susan K. Reeder
Acting Secretary of the
Planning and Development Committee

FROM: V. J. Abraham
Director of Local Planning

DATE: February 15, 1988
COMM FILE: SA-87-33

SUBJECT:

Application to the Region for approval of a draft plan of subdivision in the Eleanor Neighbourhood.

RECOMMENDATION

a) That approval be given to application SA-87-33, Steinnagel Construction Ltd., owner, to establish a draft plan of subdivision, at the east side of Eleanor Avenue and north of Rymal Road, subject to the following conditions:

1. That this approval apply to the plan prepared by A. J. Clarke and Associates, dated December 4, 1987 showing 18 lots, one block (Block "19") for development with adjacent lands and two 0.3m reserves (Blocks "20" and "21").

2. That the road allowances be dedicated as a public highway on the final plan.

3. That the street be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

4. That the final plan conform with the Zoning By-law approved under the Planning Act.

5. That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.

6. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

7. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot on the final plan.

8. That Block "19" be developed only in conjunction with adjacent lands.

9. That Blocks "20" and "21" be conveyed to the City of Hamilton as 0.3m reserves.

10. That the owner shall erect a sign in accordance with Section X of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

11. That prior to the extension of sewers and watermains, Lots 7 - 18 and Block "19" cannot be developed.

12. That the owners agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

b) That a subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-87-33), Steinnagel Construction Limited, owner, proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

Respectfully submitted,

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

V. J. Abraham, M.C.I.P.
Director
Local Planning

BACKGROUND

Owner

Steinnagel Construction Ltd., Hamilton, Ontario

Surveyor

A. J. Clarke and Associates, Hamilton, Ontario

Location

The lands, comprising 0.888 ha, are located on the east side of Eleanor Avenue north of Rymal Road, in the Eleanor Neighbourhood, City of Hamilton.

Proposal

The owner proposes to subdivide the lands into 18 lots for single-family dwellings, one block for development with adjacent lands and the extension of a street. The minimum lot size proposed has a width of 12.3m and an area of 384m^2.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Area". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

Zoning - the lands would require an amendment to the Zoning By-law to permit the proposed development.

Neighbourhood Plan - the lands are designated "Residential - single and double housing". The proposal complies.

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the proposal:

Ministry of Municipal Affairs
Ministry of Transportation
Ministry of the Environment
Ministry of Natural Resources
Ministry of Culture and Communications
Niagara Escarpment Commission
Hamilton Region Conservation Authority
Ontario Hydro, Union Gas
City of Hamilton Board of Education
City Traffic Department
City Building Department (subject to rezoning).

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

"For Information

1. Lots 1 to 6 (inclusive) can be serviced by the existing sewers and watermains on Eleanor Avenue.

2. The Municipality will be initiating the construction of municipal services on Brenda Street under the Local Improvement Act. The earliest we expect that these services could be approved would be for the 1989 construction season, assuming that the abutting land owners petition in favour of the works.

3. The Region's share of the Local Improvement watermain on Brenda Street adjacent to Lots 6 and 7 is estimated to be $5,000.00. There are no sewers planned for Brenda Street in this area.

Recommendations

4. Lots 7 to 18 and Block "19" will have to await the extension of sewers and watermains up to the southerly boundary of Lots 7 and Block "19", before they can be developed.

5. Dead ends and open sides of the road allowances are to be terminated with 0.3 metre reserves and transferred to the Municipality.

6. The Developer is to enter into subdivision agreements with both the City of Hamilton and the Regional Municipality of Hamilton-Wentworth prior to the development of any portion of the subject lands.

The submitted plan, as prepared by A. J. Clarke and Associates and dated December 4, 1987, is satisfactory to this Department, subject to the above-noted comments and recommendations."

COMMENTS

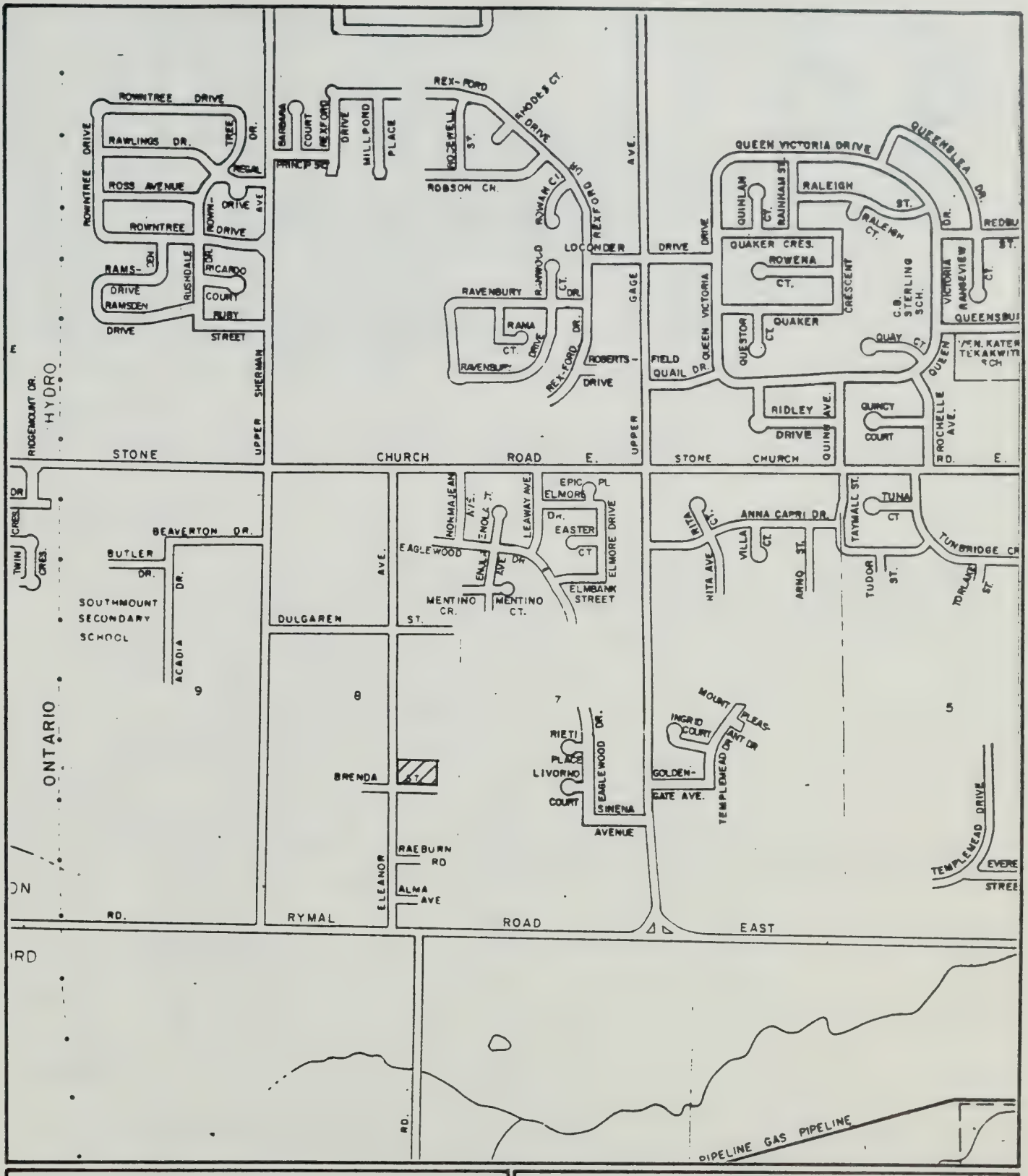
1. The conformity of the proposal with the Official Plans and the need for an amendment to the Zoning By-law is noted.

2. As no part of the subject lands is designated for park and recreational use on the approved neighbourhood plan, it is recommended that the parkland requirement for this subdivision be taken as cash-in-lieu of land.

3. The proposed plan requires a rezoning application to permit the proposed development.

4. There are no requirements from commenting agencies.

JLS/jd



Location Plan For

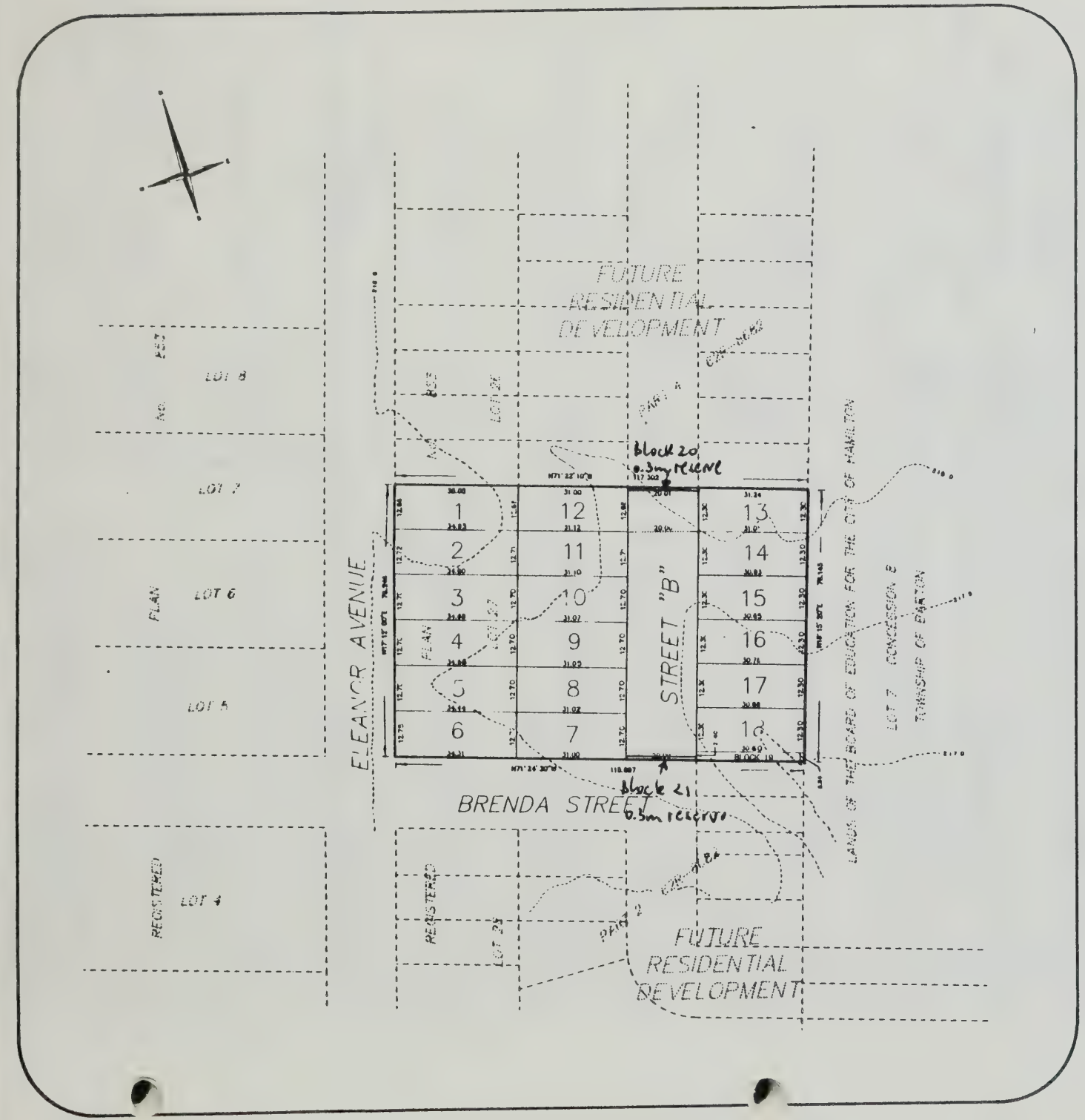
ELEANOR HEIGHTS ADDITION

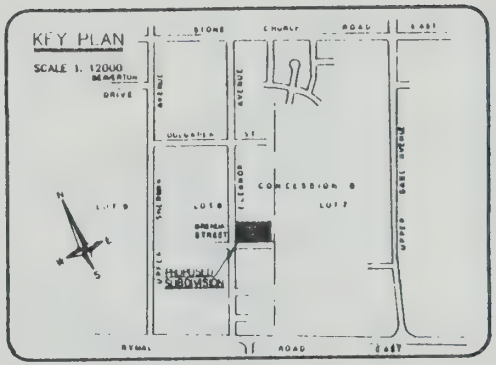
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

PROPOSED SUBDIVISION

North	Scale	Reference File No.
	N. T. S.	25T-87052
	Date	Drawing No.
	DEC. 23, 1987	





DRAFT PLAN OF:

ELEANOR HEIGHTS ADDITION

BEING A PROPOSED SUBDIVISION OF
LOT 27 – ELEANOR HEIGHTS
REGISTERED PLAN No. 853
IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON – WENTWORTH

SCALE 1: 600

A.J. Clarke O.L.S. 1987

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT.

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

RE: CHAPTER 349-R.S.O.-1980 SECTION 38(1) THE PLANNING ACT

A. SHOWN ON PLAN	G. SHOWN ON PLAN
B. SHOWN ON PLAN	H. MUNICIPAL PIPED WATER AVAILABLE
C. SHOWN ON PLAN	I. CLAY LOAM
D. SEE LAND USE SCHEDULE	J. SHOWN ON PLAN
E. SHOWN ON PLAN	K. MUNICIPAL SERVICES TO BE INSTALLED BY SUBDIVIDER
F. SHOWN ON PLAN	L. NONE

SURVEYOR'S CERTIFICATE:

I, CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

DECEMBER 9, 1987
DATE

A.J. CLARKE
ONTARIO LAND SURVEYOR

OWNER'S AUTHORIZATION:

WE, STEINNAGEL CONSTRUCTION LIMITED BEING THE REGISTERED OWNERS OF THE SUBJECT LANDS HEREBY AUTHORIZE A.J. CLARKE AND ASSOCIATES TO PREPARE AND SUBMIT THIS DRAFT PLAN TO THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH FOR THEIR APPROVAL.

DECEMBER 9, 1987
DATE

A. STEINNAGEL – SECRETARY
180 RANDOM STREET SOUTH
HAMILTON L8P 4J7

LAND USE SCHEDULE:

TOTAL AREA OF SUBDIVISION = 0.888 HA. (2.195 ACRES)
LOTS 1 TO 18 – SINGLE FAMILY BUILDING LOTS
BLOCK 19 TO BE DEVELOPED WITH ADJOINING LANDS

NOTE: BEARINGS ARE ASTRONOMIC AND REFERRED TO THE EASTERN LIMIT OF ELEANOR AVENUE ON A COURSE OF N17°12'E AS SHOWN ON PLAN 62R-6082

A.J. Clarke and Associates
PROFESSIONAL ENGINEERS & ONTARIO LAND SURVEYORS
SUITE 125 – 155 JAMES STREET SOUTH – HAMILTON, ONTARIO L8P-3A6

6 b.

FOR ACTION

REPORT TO: SUSAN REEDER, ACTING SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 1988 February 08

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

COMM FILE:
DEPT. FILE: CI-88-B

SUBJECT:

City Initiative - Special Zoning for churches and schools.

RECOMMENDATION

(a) That the Planning and Development Department be directed to undertake a study, and submit a report for the consideration of the Planning and Development Committee, on the feasibility of developing a special zoning district (e.g., Public - Institutional) for churches and schools for inclusion under Zoning By-law No. 6593.

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

In the latter part of 1987, the LACAC Committee requested the Planning and Development Department to review the possibility of establishing a Special Zoning District (e.g., Public - Institutional) for churches and schools.

At its meeting of December 14, 1987, LACAC discussed correspondence from the Planning and Development Department (see copy attached) respecting special zoning for churches and schools. In this regard, LACAC directed that staff be requested to prepare a report on the matter.

PDM:CS
Attach.
WP 0019P

6c.

FOR ACTION

REPORT TO: SUSAN REEDER, ACTING SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 February 09
COMM FILE:
DEPT. FILE: P5-2-86

SUBJECT:

Proposed plan for Kernighan Neighbourhood.

RECOMMENDATION

(a) That the Planning and Development Committee authorize a public meeting to discuss the proposed plan for the Kernighan Neighbourhood.

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

EXPLANATORY NOTE

The construction of a trunk sewer between Upper James Street and West 5th Street and north of Stonechurch Road will enable the development of the adjacent land. A proposed plan for the Kernighan Neighbourhood, when approved, will guide land uses and development in this area.

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

The Region is currently in the process of installing a trunk sewer between Upper James Street and West 5th Street, which will service properties in the Kernighan Neighbourhood.

The Official Plan designates the Kernighan Neighbourhood for Commercial, Major Institutional, Open Space and Residential Uses. The Official Plan requires the preparation of a Neighbourhood Plan prior to development of the Neighbourhood.

Background information has been collected and a policy report is being prepared. The draft policies are being developed using this background information.

The Plan

The draft neighbourhood plan attempts to achieve the following objectives within the framework of the Official Plan:

- Provision of a well-designed commercial area along Upper James Street appropriate for this minor entrance to the City. This will include:

  i) A Neighbourhood Commercial area adjacent to Blossom Avenue;

  ii) A General Commercial area for the northern section and north-west corner of Upper James Street and Stone Church Road; and

  iii) A Mixed-Use Commercial and Apartment area for the section between the Neighbourhood Commercial area south of Blossom Avenue to the northerly boundary of the Commercial area at the north-west corner of Upper James Street and Stone Church Road.

- A residential neighbourhood with sites designated for a separate school at West 5th Street, a public school and a neighbourhood park near the centre of the neighbourhood.

- An average residential density of a maximum 35 persons per acre.

- A road layout which discourages through traffic and minimizes the number of accesses onto arterial roads.

- Good urban design, including the preservation of natural features and guidelines for Design and Commercial areas fronting on Upper James Street.

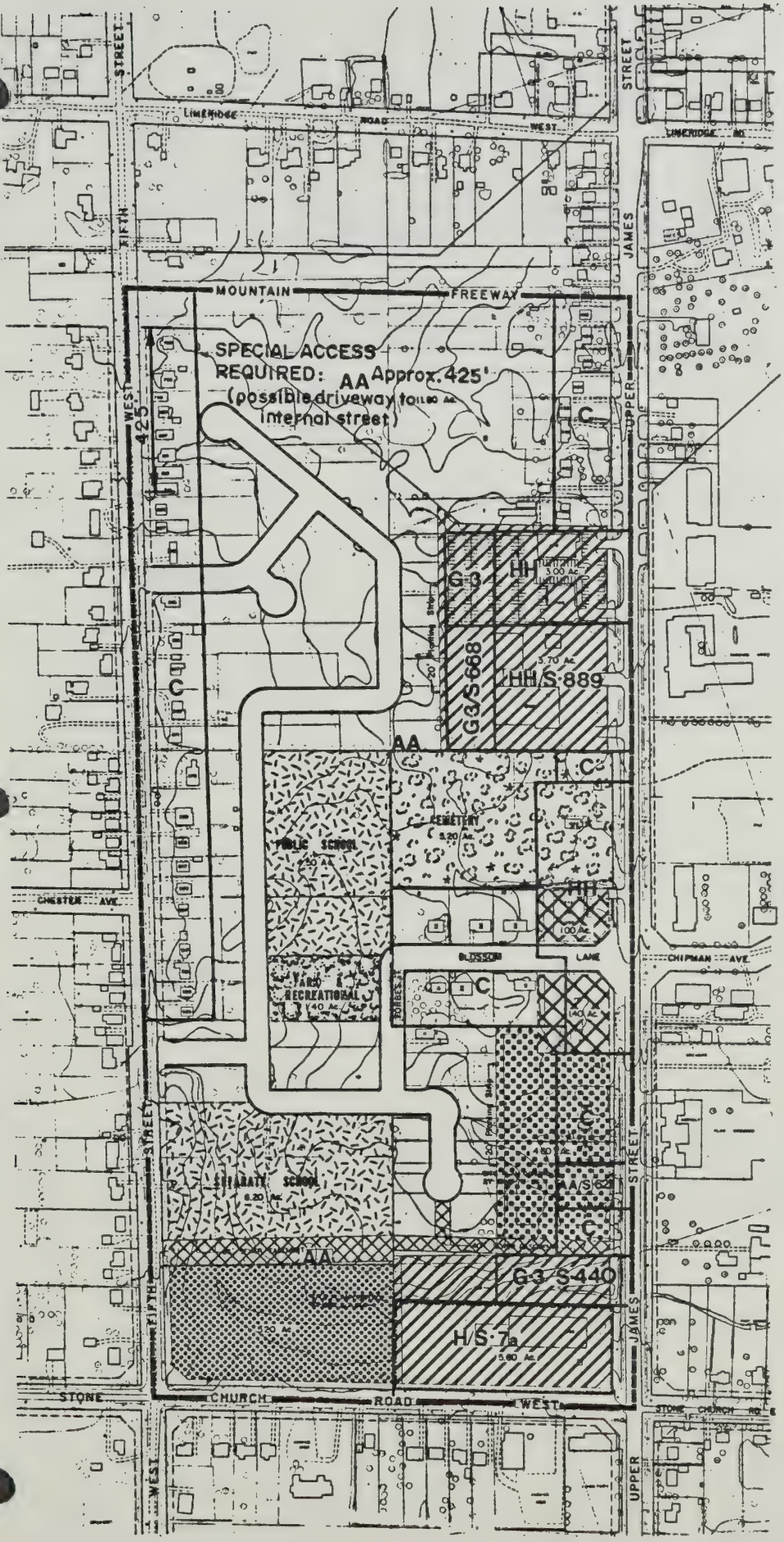
Conclusion

A public meeting should be held to obtain input from affected citizens and property owners. Following the review of all submissions, a recommended plan will be forwarded to the Planning and Development Committee for consideration.

A tentative date to hold the public meeting is scheduled for Wednesday, March 16, 1988 at 7:30 p.m. in Room 233 at City Hall.

GG/dkp

WP 0021P



EXISTING POPULATION (1985) 146

Separate School Lands
Public School Lands
City Lands
Jewish Cemetery Lands

NOTE: EXISTING TREES IN THE CENTRE OF FORBES STREET ARE TO BE MAINTAINED.

NOTE: THIS IS A GUIDE PLAN ONLY AND SUBJECT TO CHANGE AND REVISION. FOR DETAILS CONTACT THE LOCAL PLANNING DIVISION OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH.

LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apts.
- medium density apts.
- high density apts.
- commercial & apts.

- COMMERCIAL
- NEIGH'D COMMERCIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

Neighbourhood Boundary
Zoning Boundary

Approvals
Planning Comm. ..... Council .....
Revisions

CITY OF HAMILTON
PLANNING DEPARTMENT

KERNIGHAN
PROPOSED PLAN

NORTH

6a.

FOR ACTION

REPORT TO: SUSAN REEDER, ACTING SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 February 09
COMM FILE:
DEPT. FILE: P5-2-53

SUBJECT:

Proposed plan for the undeveloped area of Gourley Neighbourhood.

RECOMMENDATION

(a) That the Planning and Development Committee authorize a public meeting to discuss the proposed plan for the undeveloped area of Gourley Neighbourhood.

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

EXPLANATORY NOTE

The construction of a trunk sewer in the vicinity of Stone Church Road and West 5th Street will enable the development of the adjacent land. A proposed plan for the undeveloped area of the Gourley Neighbourhood, when approved, will guide land uses and development in this area.

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

The section of the Gourley Neighbourhood plan facing Garth Street was approved by Council December 12, 1972. The remainder of the neighbourhood plan was not approved pending the extension of the Red Hill Trunk Sewer Services.

The Region is currently in the process of installing a trunk sewer in the vicinity of Stone Church Road and West 5th Street, which will service properties in the Gourley Neighbourhood.

The Official Plan designates the Gourley Neighbourhood for Major Institutional, Open Space and Residential Uses. The Official Plan requires the preparation of a neighbourhood plan prior to development of the neighbourhood.

The Plan

The draft neighbourhood plan attempts to achieve the following objectives within the framework of the official plan:

- A residential neighbourhood with sites designated for a separate school, a public school and a neighbourhood park near the centre of the neighbourhood.
- An average residential density of a maximum 35 persons per acre.
- .A road layout which discourages through traffic and minimizes the number of accesses onto arterial roads.
- Including the preservation of the natural wood lot.

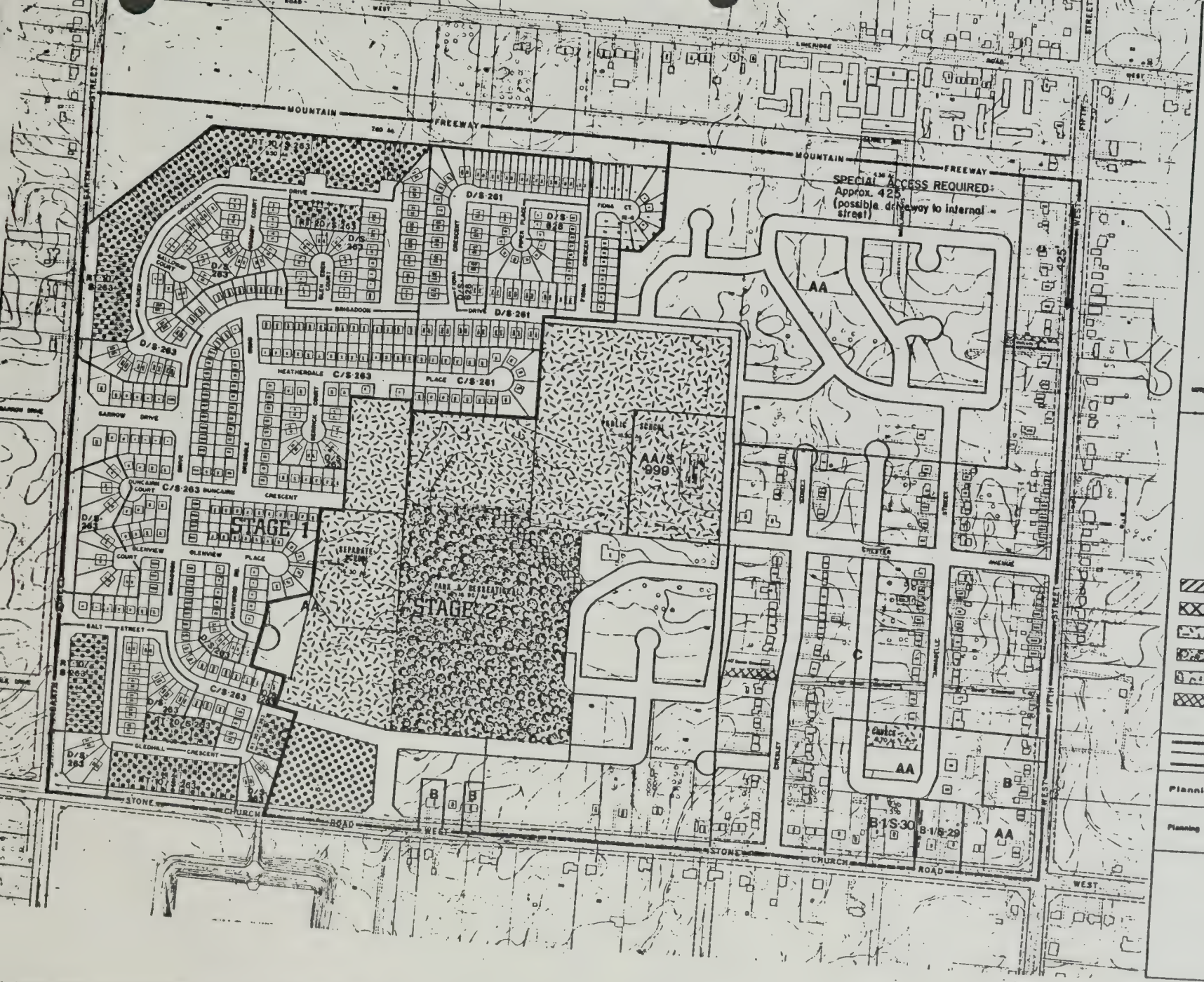
Conclusion

A public meeting should be held to obtain input from affected citizens and property owners. Following the review of all submissions, a recommended plan will be forwarded to the Planning and Development Committee for consideration.

A tentative date to hold the public meeting is scheduled for Wednesday, March 23, 1988 at 7:30 p.m. at James MacDonald School, 200 Chester Avenue, Hamilton.

GG/dkp

WP 0021P



EXISTING POPULATION (1985) 2636

Separate School Lands
Public School Lands
City Lands

NOTE: THIS IS A GUIDE PLAN ONLY AND REQUIRES TO BE AMENDED FOR DETAILS CONTACT THE LOCAL PLANNING DIVISION OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

LAND USE

RESIDENTIAL
- single & double
- attached housing
- low density apts.
- medium density apts.
- high density apts.
- commercial & apts.

COMMERCIAL

INDUSTRIAL

CIVIC & INSTITUTIONAL

PARK & RECREATIONAL

OPEN SPACE

UTILITIES

Neighbourhood Boundary
Zoning Boundary
Staging of Development Boundary

Approvals (STAGE 1 ONLY)

Planning Bd. (under By-law ....) Council (under By-law ....)

Approvals

Planning Committee _____ Council _____

CITY OF HAMILTON
PLANNING DEPARTMENT

GOURLEY
PROPOSED PLAN

NORTH

6e.

FOR ACTION

REPORT TO: SUSAN REEDER, ACTING SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 February 11
COMM FILE:
DEPT. FILE: P5-7-1

SUBJECT:

Proposed Amendment 36 to the Niagara Escarpment Plan.

RECOMMENDATION

That the Planning and Development Committee recommend to Council:

(a) That the City Clerk notify the Clerk of the Regional Municipality of Hamilton-Wentworth that the City of Hamilton does not object to the proposed amendment 36 to the Niagara Escarpment Plan.

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

The Niagara Escarpment Commission has requested the City of Hamilton to comment on proposed amendment 36 to the Niagara Escarpment Plan which has been initiated by the Commission. The proposed amendment will expand the list of permitted uses by permitting: "Bed and Breakfast Establishments" and "Farm Vacation Establishments" in the "Escarpment Natural" and "Escarpment Protection" Areas of the Plan; and "In-Home Tourist Accommodation" in the "Escarpment Rural Area" of the Plan.

REPORT

The Niagara Escarpment Commission has initiated an amendment to the Niagara Escarpment Plan to permit "in-home" tourist accommodation such as "Bed and Breakfast" establishments in areas designated "Escarpment Natural Area", "Escarpment Protection Area", and "Escarpment Rural Area" of the Plan. The proposal would permit a maximum of three guest rooms in a residence. The purpose of the amendment is to encourage tourism development.

The proposed amendment would not greatly affect the City of Hamilton since few houses exist within the above-noted designations within the City. The majority of the developed areas in the City within the Plan area are designated "Urban Area" and are not subject to the proposed amendment. The development of "in-home" tourist accommodation in these areas would be subject to municipal by-laws.

CONCLUSION

The proposed amendment to the Niagara Escarpment Plan would not adversely affect the interests of the City of Hamilton.

DO:CS
0019P

6f.

FOR ACTION

REPORT TO: SUSAN REEDER, ACTING SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: V. J. ABRAHAM, DIRECTOR
LOCAL PLANNING DIVISION

DATE: 1988 February 01
COMM FILE:
DEPT. FILE: P5-4-2-15

SUBJECT:

Request from the City of Toronto concerning enforcement of the Rental Housing Protection Act.

RECOMMENDATION

(a) That City Council endorse the following recommendations of the City of Toronto, to request the Provincial Government to:

(i) Expedite prosecutions on the conversion of rental housing stock to all other uses including apartment hotel units; and,

(ii) Provide funds to increase its Investigations and Enforcement Branch associated wtih Rental Housing Protection Program.

(b) That the Minister of Housing and the City of Toronto be notified of these resolutions.

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

FINANCIAL IMPLICATIONS

None.

BACKGROUND

Toronto City Council, at their meeting of September 21, 1987, adopted several resolutions dealing with the Rental Housing Protection Act. These are intended to encourage the Minister of Housing to increase their enforcement of the Act, by means of increased investigations and prosecutions. They are also requesting other major municipalities in Ontario to adopt similar resolutions and to notify the Minister of Housing. These City of Toronto resolutions are contained in Appendix "1" attached.

The City of Toronto is concerned that enforcement of the rental housing legislation is not adequate. The recent conversions of two rental buildings to apartment hotel use in Toronto were cited as examples of inadequate application of the legislation.

This request for support from the City of Toronto was forwarded to the Planning Department for comments and action, as well as to the City Solicitor's Department for comments. This report has been prepared for the consideration of the Planning and Development Committee, since they deal with applications under the Rental Housing Protection Act.

THE ISSUE

The conversion of rental units to apartment hotel units is subject to the Act, requiring municipal Council approval. Such conversions are considered on a unit by unit basis, rather than all of the units in each building being considered together. That is, a mixed-use building may exist in which half of the units are rented and the remainder are apartment hotel units. Applications could be made for conversion of any individual rental unit, without changing the status of any other unit.

There have been numerous applications for such conversions in the City of Toronto. Many of these conversions were done just prior to, or shortly after, the introduction of the Rental Housing Protection Act. There are presently sixteen (16) properties for which complaints are being investigated regarding the application of this section of the Act.

The City Solicitor's Department provided comments which are attached as Appendix "2". They saw no legal reason why the Planning Committee and Council could not support the Toronto legislation. They pointed out that there are no similar cases concerning conversion of rental units to apartment hotel units in Hamilton, but that our support could still be given.

CONCLUSION

The Planning Department have reviewed the request, and feel that it merits support. Prosecutions for conversions to other types of uses, in addition to apartment hotel units, should also be expedited, in order to address the current situation in Hamilton.

We feel that it is important that adequate resources be made available to enforce any legislation. The Rental Housing Protection Act is intended to provide protection for rental units and tenants, and enforcement is necessary to make the Act effective.

V.G.:nd/dkp

W.P. DOC. 0060P

"APPENDIX 1"

CITY OF TORONTO

RECEIVED

OCT 16 1987

CITY CLERKS

Department of the City Clerk

City Hall, Toronto, Ontario, Canada M5H 2N2

Roy V. Henderson / City Clerk

Barbara Caplan / Deputy City Clerk

Ms. Jane Lockwood 392-7039

September 30, 1987

TO CLERKS, ONTARIO MUNICIPALITIES

The Council of the Corporation of the City of Toronto, at its meeting held on September 21, 1987, gave consideration to the attached Clause 12 contained in Report No. 18 of the Neighbourhoods Committee, entitled "Conversion of Rental Housing to Hotel Use Under the Rental Housing Protection Act, 1986".

Toronto City Council adopted the following recommendations and requests that your Council also endorse them and notify the Hon. Chaviva Hosek, Minister of Housing, of your action:

1. That the Provincial Government be encouraged to expedite prosecutions on the conversion of rental housing stock to hotels.

2. That the Provincial Government be requested to provide funds to increase its Investigations and Enforcement Branch associated with the Rental Housing Protection Program.

A copy of the Clause and report (September 17, 1987) from the City Solicitor is enclosed for your information.

Yours truly,

Roy V. Henderson

City Clerk

JL/hf

Encl.

cc: City Clerk, City Clerk's Department - Att. I. Alcott

CITY OF TORONTO

DEPARTMENT OF THE

CITY CLERK

CLAUSE EMBODIED IN REPORT NO. 18 OF THE NEIGHBOURHOODS COMMITTEE WHICH WAS AMENDED AND ADOPTED BY CITY COUNCIL AT ITS MEETING HELD ON SEPTEMBER 21, 1987

.....

12

CONVERSION OF RENTAL HOUSING TO HOTEL USE UNDER THE RENTAL HOUSING PROTECTION ACT, 1986

The Committee recommends:

1. **That Council encourage the Provincial Government to expedite prosecutions on the conversion of rental housing stock to hotels.**

2. **That Council ask the Provincial Government to provide funds to increase its Investigations and Enforcement Branch associated with the Rental Housing Protection Act.**

3. **That the City Solicitor report on the City of Toronto's ability to initiate prosecutions under the Rental Housing Protection Act.**

4. **That, should Council adopt these recommendations, they be forwarded to all municipalities in Ontario, with a population greater than 25,000, for their endorsement.**

The Committee reports having requested the City Solicitor to report directly to Council on the opportunity for City legal action against the owners of 77 Ryerson and 165 Grange Avenues, in view of their signing the restrictive covenant requiring that the buildings remain as rental housing buildings.

The Committee submits the communication (August 28, 1987) from Alderman Martin:

As you are well aware, the problem of conversion of rental housing stock into hotel use is a considerable and extensive one.

Among the first buildings to face this problem are the two at 77 Ryerson and 165 Grange Avenues. We had hoped that the introduction of the Rental Housing Protection Act would resolve, once and for all, the problem faced by the tenants in these buildings. However, the Province, in its usual fashion, seems reluctant to take expeditious action to prevent the loss of further units due to this conversion process.

I would, therefore, like to make the following recommendations:

1. That the Council of the City of Toronto encourage the Provincial Government to expedite prosecutions on the conversion of rental housing stock to hotels.

2. That the Council of the City of Toronto ask the Provincial Government to provide funds to increase its Investigations and Enforcement Branch associated with the Rental Housing Protection Act.

3. That the City Solicitor report on the City of Toronto's ability to initiate prosecutions under the Rental Housing Protection Act.

4. That the City Solicitor report directly to Council on the opportunity for City legal action against the owners of 77 Ryerson and 165 Grange Avenues, in view of their signing the restrictive covenant requiring that the buildings remain as rental housing buildings.

(Council Action - September 21, 1987)

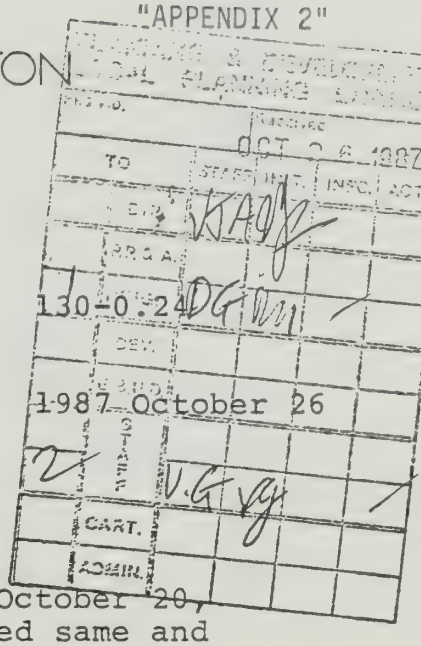
During consideration of this Clause, Council also had before it a report (September 17, 1987) from the City Solicitor.

Council amended this by adding at the end thereof the following:

"It is also recommended that the Commissioner of Planning and Development, in consultation with the City Solicitor, be requested to investigate and report to the Land Use Committee on the hotel industry as it relates to accommodation."

"APPENDIX 2"

MEMORANDUM • CITY OF HAMILTON



TO : Chairman & Members
Planning & Development Committee
Attn: Mr. J. D. Thompson,
Secretary

YOUR FILE:

FROM : Philip R. A. Hooker
City Solicitor's Office

OUR FILE : 130-0.24

SUBJECT : The Rental Housing Protection Act, 1986 - City of Toronto resolution of Sept. 17, 1987

DATE : 1987 October 26

In response to Mr. Thompson's memos of October 20, 1987 and October 23, 1987, the writer has reviewed same and sees no legal reason why your Committee could not support the City of Toronto resolution referred to.

We have read Mr. D. Perlin's opinion letter with interest.

We are not aware of any similar pressing problems (of conversion of rental residential units to "hotel" units) in Hamilton, however, that situation need not preclude your Committee's giving support to Toronto.

Also, it is not unheard of for those groups of persons affected to request the "policing" body (here, the Ontario Ministry of Housing, Investigations and Enforcement Branch) to enforce its assigned legislation more vigourously or more quickly, for the benefit of those claiming to be affected.

Section 11 of The Rental Housing Protection Act, 1986, which deals with contraventions of the Act constituting offences leading, on conviction, to fine or imprisonment or both, does not specify who prosecutes to enforce the Act.

It would appear that normally that is the duty, albeit implied, of the Ontario Ministry of Housing, although, as Mr. Perlin pointed out in his letter, apparently the corporation of a municipality, in whose geographic area the Act is allegedly breached, could alternatively institute prosecution action, subject to the need for adequate evidence to prove the proposed charge.

Certainly, there could not be duplicate charges, i.e. similar charges by both the Province and the affected municipality, regarding the same, alleged offence.

Philip R. A. Hooker
for K. A. Rouff
City Solicitor

PRAH:sr

c.c. Mr. V. J. Abraham, Director of Local Planning
c.c. Mrs. S. K. Reeder, Acting Secretary, P & D Committee

7.

FOR ACTION

REPORT TO: SUSAN REEDER, ACTING SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 February 15
COMM FILE:
DEPT. FILE: ZA-87-117
HANNON WEST
NEIGHBOURHOOD

SUBJECT

Request for a modification to the established "M-12" (Prestige Industrial) District (Block 1) and "M-15" (Prestige Industrial District (Block 2) for property located at No. 1060 Rymal Road East.

RECOMMENDATION

(a) That approval be given to Zoning Application 87-117, Basil Williams and Edward Cummings, owners, requesting a modification to the established "M-12" and "M-15" (Prestige Industrial, etc.) District regulations applicable to the lands described as Blocks 1 and 2 on the attached map marked as APPENDIX "A", located at No. 1060 Rymal Road East, on the following basis:

i) That the "M-12" (Prestige Industrial) District regulations as contained in Section 17D of Zoning By-law 6593 applicable to the lands described as Block 1 on the attached map marked as APPENDIX "A", be modified to include the following variances as special requirements:

1. Notwithstanding the provisions of Section 17D(1)(b) of Zoning By-law No. 6593, the following commercial uses shall be permitted:

	S.I.C. Identification
Tire, Battery, Parts and Accessory Store	6342
General Repairs Garage	6351
Muffler Replacement Shop	6353
Motor Vehicle Glass Replacement Shop	6354
Other Motor Vehicle Repair Shops	6359
Motor Vehicle Transmission Repair and Replacement Shop	6355
Other Motor Vehicle Parts and Accessories, wholesale, except rebuilding, recapping, retreading or vulcanizing	5529

ii) That the "M-15" (Prestige Industrial) District regulations as contained in Section 17G of Zoning By-law No. 6593 applicable to the lands designated as Block 2 on the attached map marked as APPENDIX "A", be modified to include the following variances as special requirements:

1. Notwithstanding the provisions of Section 17G(1)(b) of By-law No. 6593, the following commercial uses shall be permitted:

	S.I.C. Identification
Tire, Battery, Parts and Accessory Store	6342
Other Motor Vehicle Parts and Accessories, wholesale, except rebuilding, recapping, retreading or vulcanizing	5529

iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-49E be notated as S- ;

iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49E;

v) That the proposed change in zoning is in conformity with the Official Plan.

V. J. Abraham

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

EXPLANATORY NOTE

The purpose of the By-law is to provide for a modification to the established "M-12" and "M-15" (Prestige Industrial) District regulations applicable to property municipally known as the front portion of property municipally known as 1060 Rymal Road East.

The effect of the By-law is to permit the following additional commercial uses within the established "M-12" and "M-15" (Prestige Industrial) District:

"M-12" DISTRICT

Tire, Battery, Parts and Accessory Store;

General Repairs Garage;

Muffler Replacement Shop;

Motor Vehicle Glass Replacement Shop;

Other Motor Vehicle Repair Shops;

Motor Vehicle Transmission Repair and Replacement Shop;

Other Motor Vehicle Parts and accessories, wholesale, except rebuilding, recapping, retreading or vulcanizing.

"M-15" DISTRICT

Tire, Battery, Parts and Accessory Store;

Other Motor Vehicle Parts and accessories, wholesale, except rebuilding, recapping, retreading or vulcanizing.

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

Request for a modification to the established "M-12" (Prestige Industrial) District (Block 1) and "M-15" (Prestige Industrial District (Block 2) for property located at No. 1060 Rymal Road East, as shown on the attached map marked as APPENDIX "A". The purpose of the application is to permit, in addition to the uses in the "M-12" and "M-15" Districts, the following uses:

- Tire sales and service;
- Public repair garage;
- Muffler shop;
- Automotive glass replacement shop;
- Radiator shops;
- Transmission shop;
- Auto parts - wholesale/retail; and,
- Automobile sales - new/used.

APPLICANT

Basil A. Williams and Edward C. Cummings, owners.

LOT SIZE AND AREA

An irregular shaped parcel of land having:

- 38.11m (125.0 feet) of lot frontage on Rymal Road East;
- 152.4m (500.0 feet) of lot depth; and,
- approximately 8,314.03m^2 (89.494.4 square feet) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
SUBJECT LANDS	Vacant	Block 1 "M-12" (Prestige Industrial) District, Block 2 "M-15" (Prestige Industrial) District
SURROUNDING LAND USE		
To the North	Vacant Lands, Single-Family Dwellings and a Two-Family Dwelling	"R-4" (Small Lot Single-Family Detached) District, "L-m-1" (Planned Development - Multiple Residential, etc.) District and "C" (Urban Protected Residential, etc.) District
To the South	Vacant Lands, an Asphalt Mixing Plant	"M-15" (Prestige Industrial) District
To the East	Vacant Land and a Warehouse Building (under construction)	"M-12" (Prestige Industrial) District
To the West	A Single-Family Dwelling	"M-12" (Prestige Industrial) District

OFFICIAL PLAN

Designated Commercial, the proposal complies.

NEIGHBOURHOOD PLAN

Designated "Restricted Industrial/Commercial" on the approved Hamilton Mountain Industrial area plan, the proposal complies.

ECONOMIC FACTOR

The applicants have advised tht the proposal involves the construction of a new building which will cost between $501,000 and $1,000,000. A total of 28 new jobs will be created by the development, 24 of which will be full-time jobs. During the construction period of development, a total of 30 construction related jobs will be established and will consist of manpower mainly from firms in the City of Hamilton.

COMMENTS RECEIVED

- The Building Department, Traffic Department and Hamilton Region Conservation Authority have no comments or objections to the proposal.

- The Hamilton-Wentworth Engineering Department has advised that:

  "Public watermains, as well as separate storm and sanitary sewers, are available to service the subject lands.

  We do not anticipate any further road allowance widenings at this time.

  Any work within the Rymal Road road allowance must conform to the Region's Roads Use By-law.

  Detailed comments with respect to the access design should be obtained from the City of Hamilton Traffic Department. Any roadway improvements which may be required as a result of the development will be at the expense of the applicant/owner.

  It appears that the applicant is rezoning lands shown as Parts 2, 6 and 9 of Reference Plan 62R-5403 and Parts 3 and 4 of Plan 62R-5403 and Parts 3 and 4 of Plan 62R-8770. According to our records, these lands are still owned by the Region."

COMMENTS

1. The proposal complies with the Official Plan.

2. The proposal complies with the approved Mountain Industrial Area Plan which provides for industrial/commercial type uses.

3. With the exception of the sale of new and used automobiles, (which use is considered more appropriate in an urban strip commercial setting such as Upper James Street rather than in the centre of an industrial park), the list of automotive related uses can be supported for the following reasons:

   - These uses are considered to be service industrial type uses, in addition to catering to the motoring public.

   - As the property is situated in two Zoning Districts, it would be no less feasible to permit the auto related uses in the "M-15" District as it would be to permit them in the "M-12" District.

- The proposed uses would complement the other recently approved automotive related uses situated on the south side of Rymal Road East, in the area to the east of Upper Ottawa Street.

- City Council recently supported a zoning application (ZA-87-114) to permit a number of commercial uses within the "M-12" and "M-15" (Prestige Industrial) Districts.

4. The applicant has advised that the proposed development will include an auto body repair and paint shop use, but indicated that it will be located on the portion of the site zoned "M-15" (Block 2) where such use is currently a permitted use.

5. Development of the subject lands would be subject to the provisions of Site Plan Control By-law 79-275. In this regard, matters related to parking, landscaping, grading, screening, fencing, signage, etc. can be further reviewed at the site plan stage of developmoent.

CONCLUSION

On the basis of the foregoing, except for the sale of new and uses automobiles, the request for a modification to the established "M-12" and "M-15" Districts can be supported.

GW:cab.
0118P

PLANNING DEPARTMENT FILE # ZA-87-117

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

TEL. 527-0241

THE CORPORATION OF THE CITY OF HAMILTON

PLANNING AND DEVELOPMENT COMMITTEE

PUBLIC MEETING OF THE PLANNING AND DEVELOPMENT COMMITTEE

Application has been received from B. A. Williams and E. C. Cummings, owners, for modifications in zoning for property municipally known as No. 1060 Rymal Road East, as shown on the attached map, on the following basis:

Block "1" - Modification to the established "M-12" (Prestige Industrial) District regulations.

Block "2" - Modification to the established "M-15" (Prestige Industrial) District regulations.

The purpose of the proposed modifications is to permit, in addition to the "M-12" and "M-15" District regulations, the following automobile-related uses:

- o Tire sales and service;
- o Public repair garage;
- o Muffler shop;
- o Automobile glass replacement shop;
- o Radiator shop;
- o Transmission shop;
- o Auto parts - wholesale/retail; and,
- o Automobiel sales - new/used.

The application complies with the City of Hamilton Official Plan.

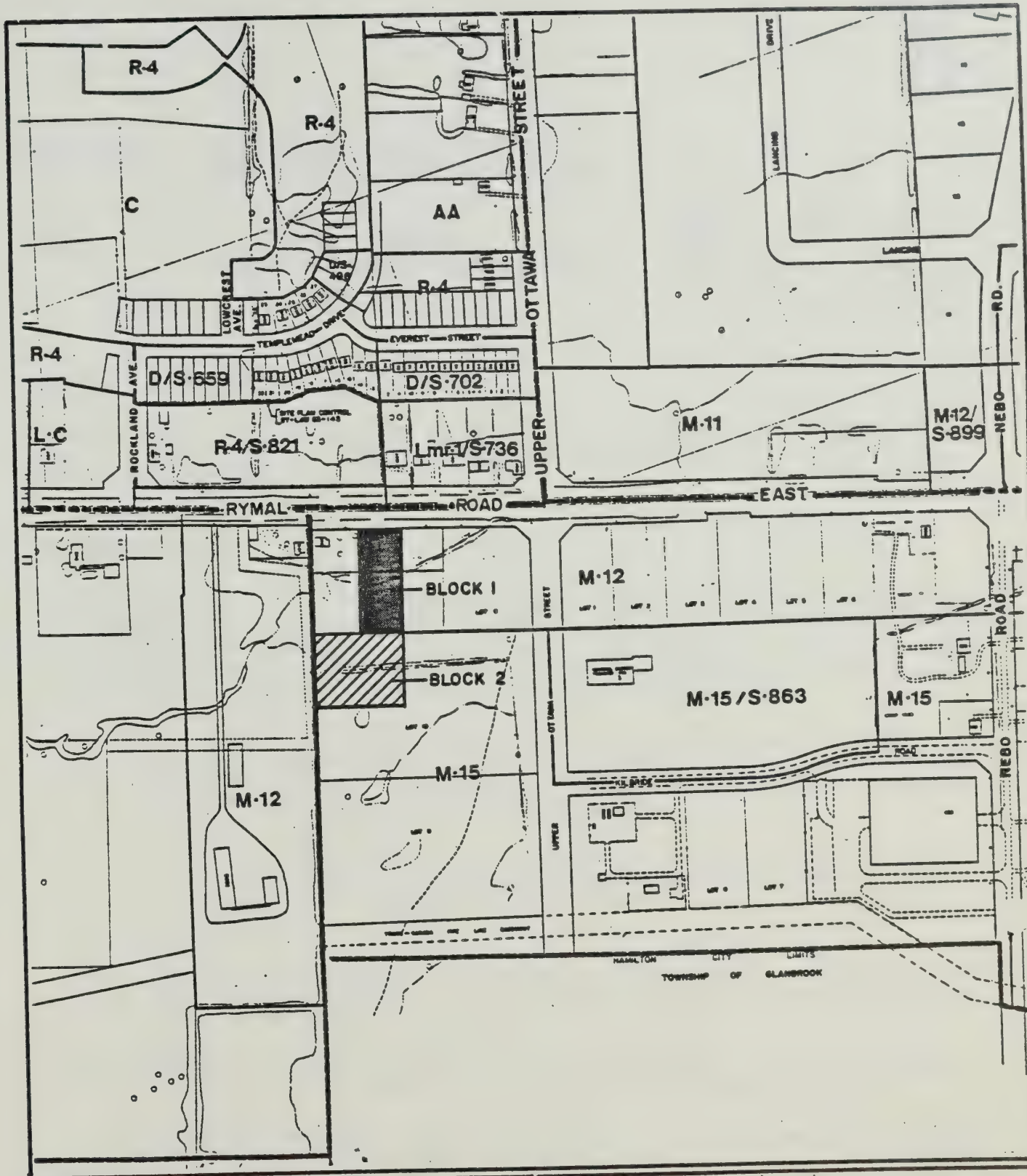
It is requested that you complete and return the enclosed business reply card indicating your support or opposition to the proposed change. You may also submit additional comments in writing.

The Planning and Development Committee will consider this matter at a Public Meeting to be held in the Council Chamber, City Hall, on Wednesday, February 24, 1988 at 3:00 p.m. and you are invited to attend at that time.

Secretary
Planning and Development Committee

For inquiries, please call
Planning and Development Department
City Hall - 526-4445

:cab.
February 8, 1988



SITE LOCATION MAP FOR
PART OF LOT 13 - CON. 1
FORMERLY TOWNSHIP OF GLANFORD
NOW IN THE
CITY OF HAMILTON

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

BLOCK 1

BLOCK 2

APPENDIX A

SITE OF THE APPLICATION.

North	Scale	Reference File No.
	NOT TO SCALE	ZA - 87 - 117
	Date	Drawing No.
	JAN. 11, 1988	

8.

FOR ACTION

REPORT TO: SUSAN REEDER, ACTING SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 February 15
COMM FILE:
DEPT. FILE: ZA-87-124
TEMPLEMEAD
NEIGHBOURHOOD

SUBJECT

Request for a modification to the "HH" (Restricted Community Shopping and Commercial) District for property located at the north-west corner of Rockland Avenue and Rymal Road East.

RECOMMENDATION

(a) That approval be given to Zoning Application 87-124, Rodosa Development Corporation, owner, for a modification to the "HH" (Restricted Community Shopping and Commercial) District for the property located at the north-west corner of Rockland Avenue and Rymal Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593, applicable to the subject property, be modified to include the following variance as a special requirement:

a) That notwithstanding the provisions of Section 14A(1) of Zoning By-law No. 6593, an animal hospital (veterinarian clinic) shall be permitted, provided that all animals are kept within the building.

ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-49D be notated S- ;

iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49D; and,

iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

V. J. Abraham

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

EXPLANATORY NOTE

The purpose of the By-law is to provide for a modification to the "HH" (Restricted Community Shopping and Commercial) District regulations for property located at the north-west corner of Rockland Avenue and Rymal Road East, as shown on the attached key map.

The effect of the By-law is to permit, in addition to the permitted uses under the existing "HH" (Restricted Community Shopping and Commercial) District, an animal hospital (i.e., veterinary clinic) provided that all animals are kept within the building.

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

o DA-87-97

Plans and drawings for development of the subject property were approved by the Chairman of the Planning and Development Committee and the Ward Alderman of the Committee at their meeting of December 8, 1987.

APPLICANT

Rodosa Development Corporation, Owner.

LOT SIZE AND AREA

The subject property is irregularly shaped, having:

o 47.86 m (156.82 feet) of frontage on Rockland Avenue;

o 88.25 m (289.32 feet) of lot depth on Rymal Road East; and,

o 3,878.9 m^2 (41,753.53 square feet) of lot area.

LAND USE AND ZONING

	EXISTING LAND USE	EXISTING ZONING
SUBJECT LANDS	Proposed Commercial Plaza	"HH" (Restricted Community Shopping and Commercial) District
SURROUNDING LANDS		
To the north	Single-family dwellings	"R-4" (Small Lot Single Family Detached) District

	EXISTING LAND USE	EXISTING ZONING
To the South	Three-family dwellings	"AA" (Agricultural) District
To the East	Single-family dwellings	"R-4" (Small Lot Single Family Detached) District
To the West	Residential	"L-c" (Planned Development -Commercial) District

OFFICIAL PLAN

Designated "Commercial", the proposal complies.

NEIGHBOURHOOD PLAN

Designated "Commercial" in the approved Templemead Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED

o The following agencies have no comments or objections:

- The Hamilton Region Conservation Authority;
- The Building Department; and,
- The Traffic Department.

o The Hamilton-Wentworth Engineering Department has advised that:

"...public watermains as well as separate storm and sanitary sewers are available to service the subject lands.

The designated road allowance widths of Rymal Road is 36.58 m (120 feet) and Rockland Avenue is 26.21 m (86 feet) with a 12.19 x 12.19 m (40 feet x 40 feet) daylight triangle.

Any work within the adjacent road allowances must conform to the respective Streets By-Laws.

The details of the access design to be determined by the City of Hamilton Traffic Department.

Since Rockland Avenue is a mid-block neighbourhood collector street, and since the intersection of Rymal Road and Rockland Avenue may be signalized at some future date, the applicant should be advised that the future widening and reconstruction of Rockland Avenue may include the construction of raised concrete median islands which may restrict access to the subject lands at some time in the future."

COMMENTS

1. The proposal complies with the intent of the Official Plan, and the approved Templemead Neighbourhood Plan.

2. The proposal has merit and warrants consideration for the following reasons:

   a) it would be compatible with existing development in the surrounding area;

   b) it is suitably located on a major arterial road (Rymal Road East); and,

   c) it forms part of a commercial plaza for which development plans have already been approved, and is no less feasible than other uses permitted as-of-right (e.g., pet shop, professional offices, retail stores, etc.).

3. Animal hospitals (i.e., veterinary clinics) are permitted in a variety of Zoning Districts [e.g., "H" (Community Shopping and Commercial, etc.) District; "G-2" (Regional Shopping Centres) District; etc.], subject to a minimum 30.0m (98.43 feet) setback from any residential district. Such requirement is intended to protect neighbouring residential uses from the negative impact of any spill-over effects (e.g., noise, odours, etc.) emanating from outside runs, pens, etc.

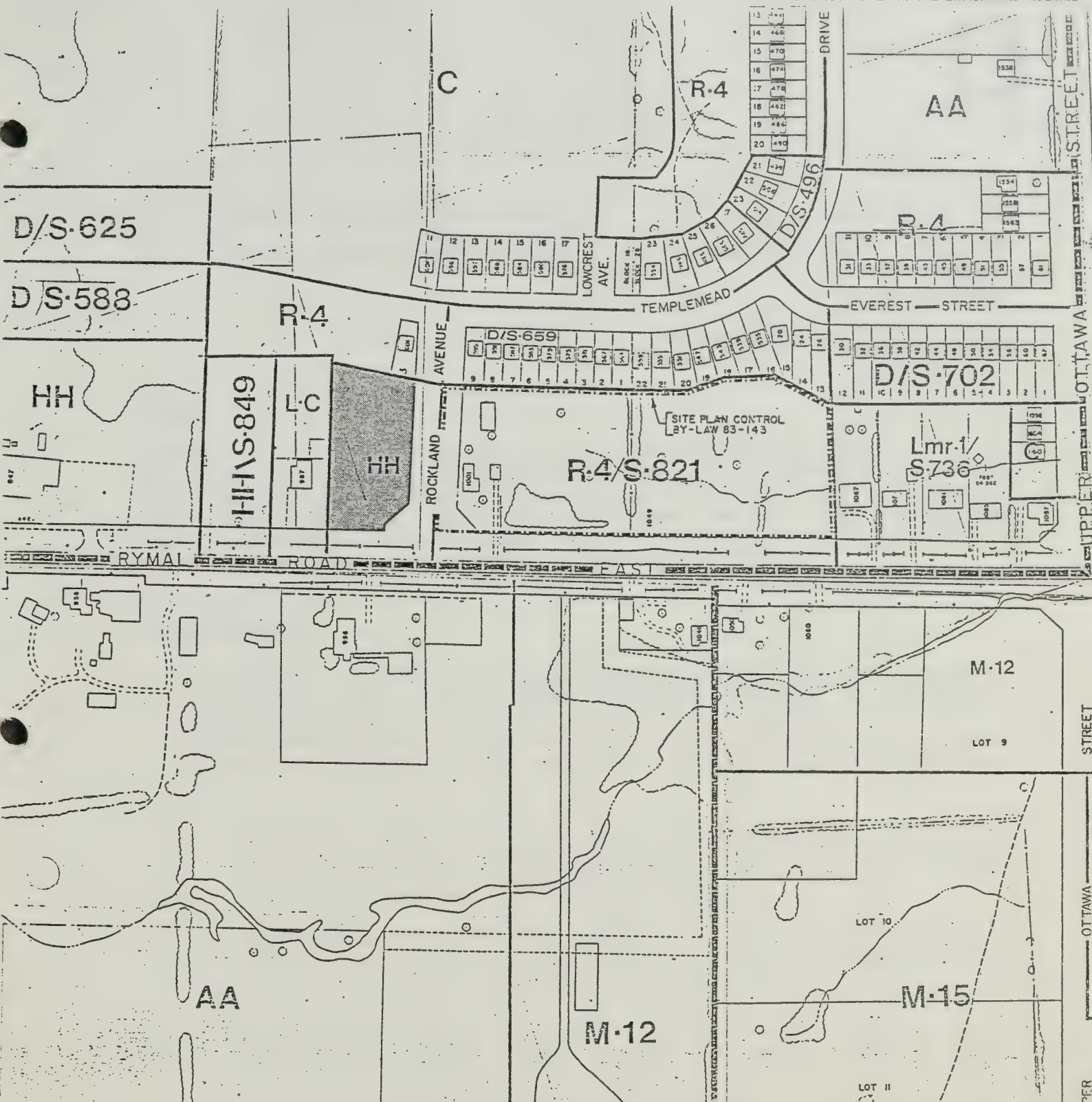
   In this regard, the applicant's agent has advised that the clinic is to be wholly enclosed within the plaza (to be built). However, given the proximity of adjoining residential development to the north, it would be appropriate to provide a modification prohibiting outside runs, pens, etc.

4. Development plans for the subject property have already been approved (See Background - DA-87-97). Provided development is carried out in accordance with the approved plans, there will be no need for further review.

CONCLUSION

On the basis of the foregoing, the proposal can be supported.

JH:cab.
0420P



LEGEND

SITE OF THE APPLICATION

ZA 87-124

APPENDIX A

9.

FOR ACTION

FROM Planning and Development Department

DATE February 15, 1988

TO Planning and Development Committee

Refer to File No. ZA-87-129
GILKSON
NEIGHBOURHOOD

Attention Of V. J. Abraham

SUBJECT

Request for a further modification to the "HH" (Restricted Community Shopping and Commercial) District for property located at the north-east corner of Upper Paradise Road and Stone Church Road West. The purpose of the proposed modification is to allow, in addition to the permitted uses under the existing "HH" District regulations, an animal hospital (veterinary clinic) fronting on Stone Church Road West.

RECOMMENDATION

1. That approval be given to Zoning Application 87-129, Margaret Morison and Douglas Nash, owners, for a further modification to the "HH" (Restricted Community Shopping and Commercial) District for the property located at the north-east corner of Upper Paradise Road and Stone Church Road West, as shown on the attached map marked as APPENDIX "A", on the following basis:

   i) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593, applicable to the subject property, be modified to include the following variance as a special requirement:

      a) That notwithstanding the provisions of Section 14A(1) of Zoning By-law No. 6593, an animal hospital shall be permitted, provided that all animals are kept within the building.

   ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-398b, and that the subject lands on Zoning District Map W-27C be notated S-398b;

   iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-27C; and,

   iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a further modification to the "HH" (Restricted Community Shopping and Commercial) District regulations for

property located at the north-east corner of Upper Paradise Road and Stone Church Road West, as shown on the attached key map.

The effect of the By-law is to permit, in addition to the permitted uses under the existing "HH" (Restricted Community Shopping and Commercial) District, an animal hospital (i.e., veterinary clinic) provided that all animals are kept within the building.

Victor J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Margaret Morison and Douglas Nash, Owners.

LOT SIZE AND AREA

The subject property is irregularly shaped, having:

- 74.06m (243 feet) of frontage on Upper Paradise Road;
- 79.55m (201 feet) of frontage on Stone Church Road West; and,
- 5,858.5m^2 (63,062 square feet) of lot area.

LAND USE AND ZONING

	EXISTING LAND USE	EXISTING ZONING
SUBJECT LANDS	A car wash, variety store, gas bar and dental office	"HH" (Restricted Community Shopping and Commercial) District, modified
SURROUNDING LANDS		
To the north	Single-family dwellings and townhouse dwellings	"D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District, modified

SURROUNDING LANDS

To the South	Commercial Plaza and Single-Family Residential	"G" (Neighbourhood Shopping Centre, etc.) District, modified, and "C" (Urban Protected Residential, etc.) District
To the East	Commercial	"HH" (Restricted Community Shopping and Commercial) District, modified
To the West	Residential	"E-2" (Multiple Dwellings) District

OFFICIAL PLAN

Designated "Commercial", the proposal complies.

NEIGHBOURHOOD PLAN

Designated "Commercial" in the approved Gilkson Neighbourhood Plan, the proposal complies.

BACKGROUND

- DA-86-33

  Plans and drawings for development of the subject property were approved by the Chairman of the Planning and Development Committee and the Ward Alderman of the Committee at their meeting of August 22, 1986.

  Included in the development plans were a gas bar, convenience store, offices, a future retail plaza, a six-bay coin-operated car wash, and an existing one-storey structure on the site.

- By-law No. 86-227

  City Council passed By-law No. 86-227 on July 22, 1986. The purpose of the By-law was to provide for a modification to the "HH" District regulations. The effect of the By-law was to allow, in addition to the permitted uses under the "HH" District, a six-bay or stall coin-operated manual car wash.

- By-law No. 75-66

  City Council passed By-law No. 75-66 on March 11, 1975, which rezoned the subject lands from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District. The By-law received final approval from the O.M.B. on February 25, 1976.

ECONOMIC FACTORS

The proposal would facilitate the construction of a new building with an animal (veterinary) hospital, and create three jobs (two full time and one part time). Manpower for the project would consist of firms located in the Hamilton-Wentworth Region, and create eight to ten jobs during planning and construction. Total cost of the project will be in the range of $101,000 to $500,000, with locally-manufactured products and components and construction trades.

COMMENTS RECEIVED

- The following agencies have no comment or objection:

  - The Hamilton Region Conservation Authority;
  - The Building Department; and,
  - The Traffic Department.

- The Hamilton-Wentworth Department of Engineering has advised of the following:

  "...public watermains as well as separate storm and sanitary sewers are available to service the subject lands.

  We do not anticipate any further road allowance widenings at this time.

  Any work within the adjacent road allowances must conform to the Region's Road Use By-law.

  The applicant should be advised that the future widening and reconstruction of the adjacent roadways may include the construction of raised concrete median islands which may restrict access to the subject lands. Detailed comments regarding the access design should be obtained from the City of Hamilton Traffic Department.

  It is our understanding that a new building will be constructed and that it will be through the Site Plan Control process."

COMMENTS

1. The proposal complies with the intent of the Official Plan, and the approved Gilkson Neighbourhood Plan.

2. The proposal has merit and warrants consideration for the following reasons:

   - it would be compatible with existing development in the surrounding area;

   - it is suitably located at the intersection of two arterial roads (i.e., Upper Paradise Road and Stone Church Road West); and,

- it forms part of a commercial plaza for which development plans have already been approved, and is no less feasible than other uses permitted as-of-right (e.g., pet shop, professional offices, retail stores, etc.).

3. Animal hospitals (i.e., veterinary clinics) are permitted in a variety of Zoning Districts [e.g., "H" (Community Shopping and Commercial, etc.) District; "G-2" (Regional Shopping Centres) District; etc.], subject to a minimum 30.0m (98.43 feet) setback from any residential district. Such requirement is intended to protect neighbouring residential uses from the negative impact of any spill-over effects (e.g., noise, odours, etc.) emanating from outside runs, pens, etc.

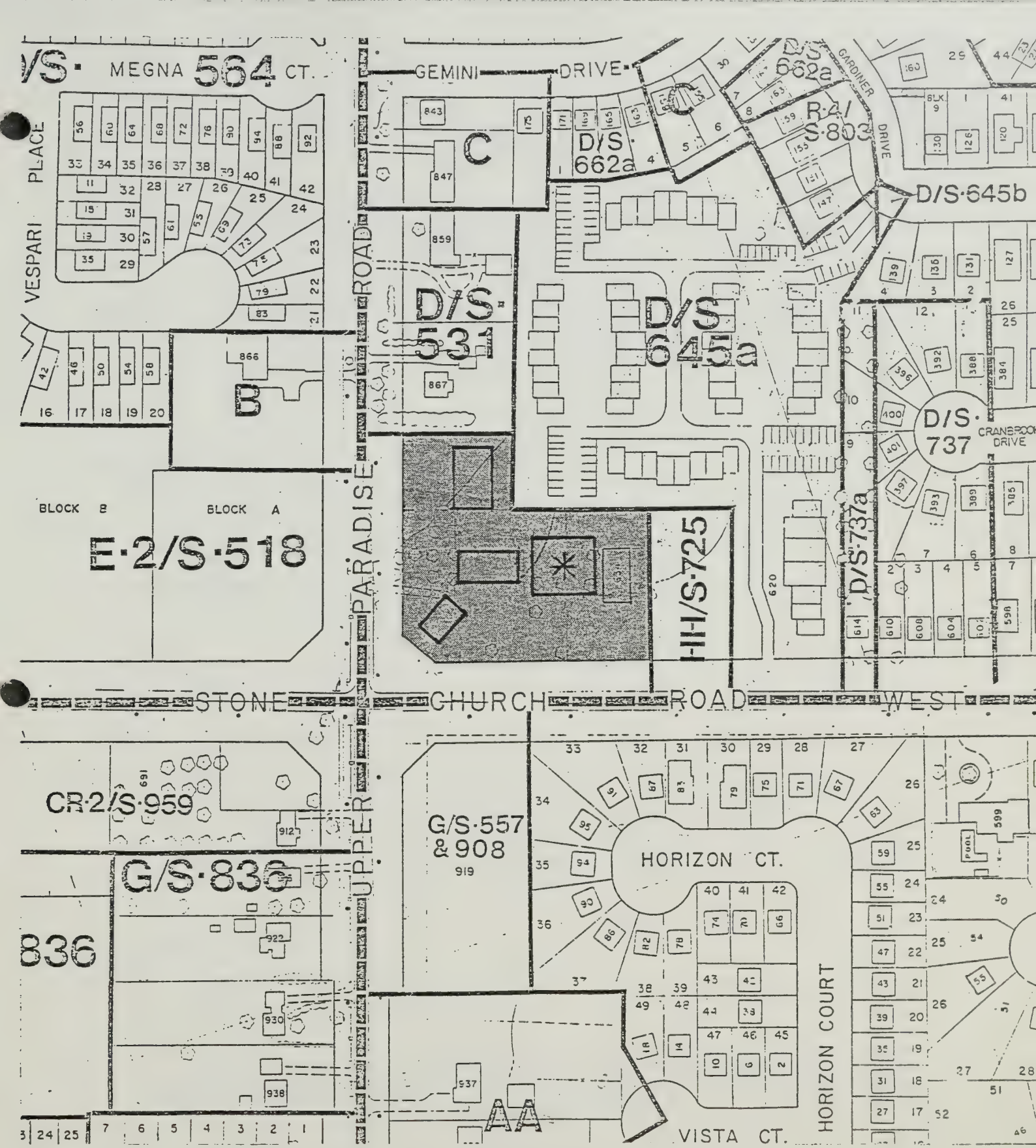
   In this regard, the applicant's agent has advised that the clinic is to be wholly enclosed within the plaza (to be built). However, given the proximity of adjoining residential development to the north, it would be appropriate to provide a modification prohibiting outside runs, pens, etc.

4. Development plans for the subject property have already been approved (See Background - DA-86-33). Provided development is carried out in accordance with the approved plans, there will be no need for further review.

CONCLUSION

On the basis of the foregoing, the proposal can be supported.

PDM:cab.
0420P



LEGEND

SITE OF APPLICATION.

* Proposed location of Animal Hospital (Veterinarian Clinic)

ZA87-129

10.

FOR ACTION

REPORT TO: Susan K. Reeder
Acting Secretary of the
Planning and Development Department

FROM: V. J. Abraham
Director of Local Planning

DATE: February 15, 1988
COMM FILE:
DEPT. FILE: SA-87-24
ZA-87-84

SUBJECT:

1. Request to change the Official Plan.

2. Request for change in Zoning: 1491 - 1545 Upper James Street.

3. Application to the Region for approval of a draft plan of subdivision in the Ryckmans Neighbourhood.

RECOMMENDATION

Official Plan Application

1. That approval be given to Official Plan Amendment No. to redesignate the easterly portion of Block "2" from "Residential" to "Commercial" and to extend Special Policy Areas 31 and 31b to correspond with the "Commercial" designation, and that the City Solicitor be directed to prepare a by-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth.

Zoning Application

2. That Council Resolution (1986) 25 R.P.D.C. 2(2), November 25, 1986, be rescinded.

3. That approval be given to Zoning Application 87-84, 491719 Ontario Ltd. and 663921 Ontario Inc. (J. Paisley), owner and prospective owner, requesting changes in zoning for the properties located at Nos. 1491 to 1545 Upper James Street, on the following basis:

   i) That Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

   ii) That Block "2" be rezoned from "AA" (Agricultural) District to "G" (Neighbourhood Shopping Centre, etc.) District;

iii) That Blocks "3" and "4" be rezoned from "C" (Urban Protected Residential, etc.) District to "G" Neighbourhood Shopping Centre, etc.) District;

iv) That Block "5" be rezoned from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "G" Neighbourhood Shopping Centre, etc.) District; and

v) That Block "6" be rezoned from "HH" (Restricted Community Shopping and Commmercial) District to "G" Neighbourhood Shopping Centre, etc.) District;

vi) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations as contained in Section 13 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

a) Notwithstanding Section 13(1), the following additional commercial uses shall be permitted:

1) medical and dental clinics/office;
2) commercial school;
3) liquor store; and,
4) brewers' retail store.

b) Notwithstanding Section 13(1), the following additional residential use shall be permitted:

1) a motel, hotel or motor hotel.

vii) Notwithstanding Section 18A(12)(c), a visual barrier between 1.8m and 2.0m in height contained within a 9.1m wide landscaped strip shall be provided along the easterly lot line of the Commercial zoning district;

viii) That no access shall be permitted on the easterly lot line of the Commercial zoning district;

ix) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-9D be notated S- ;

x) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9D;

xi) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area once Official Plan Amendment No. is approved;

xii) That the Ryckmans Neighbourhood Plan be amended by redesignating the easterly portion of Block "2" from "Residential" to "Commercial; portions of Blocks "2" and "3" from "Neighbourhood Commercial" to "Commercial"; and, Blocks "4", "5", "6" and portions of Blocks "2" and "3" from "Commercial and Retail Warehouse" to "Commercial".

EXPLANATORY NOTE

The purpose of this by-law is to provide for changes in zoning for the properties located at 1491 to 1545 Upper James Street on the following basis:

Block "1"- From "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District

Block "2"- From "AA" (Agricultural) District to "G" (Neighbourhood Shopping Centre, etc.) District, modified

Blocks "3" and "4"- From "C" (Urban Protected Residential, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District, modified

Block "5"- From "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District, modified

Block "6"- From "HH" (Restricted Community Shopping and Commercial) District to "G" (Neighbourhood Shopping Centre, etc.) District, modified.

The effect of the by-law is to permit the development of Block "1" for single-family dwellings and Blocks "2", "3", "4", "5" and "6" for a shopping plaza and a 100-room motel.

In addition, the by-law provides for the following variances and additional regulations:

i) to permit the following additional commerical uses: liquor store, brewers' retail store, commercial school, medical and dental clinics/offices;

ii) to permit the following additional residential use: a motel;

iii) to require a visual barrier between 1.8m and 2.0m in height contained in a 9.1m wide landscaped strip be provided along the easterly lot line of the commercial development, whereas no landscaped requirements are required;

iv) to prohibit access on the easterly side of the commercial development.

Subdivision Application

4. a) That approval be given to application SA-87-24, 491719 Ontario Ltd. and 663921 Ontario Limited, owners, to establish a draft plan of subdivision, east of Upper James Street and north of Rymal Road, subject to the following conditions:

1. That this approval apply to the plan prepared by Higgins Engineering Limited, dated April 6, 1987, revised to show 73 lots, seven blocks for development with adjacent lands, three 0.3m reserves, a 12m x 12m daylight triangle, one block as a road widening and one block for a walkway.

2. That the road allowances and the widening (Block "86") be dedicated as public highways on the final plan.

3. That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

4. That the final plan conform with the Zoning By-law approved under The Planning Act.

5. That the owners make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.

6. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

7. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot on the final plan.

8. That the owner establish the property line 18.29m (60 feet) from the centreline of the original Upper James Street road allowance adjoining Block "86" (road widening) .

9. That roads One, Two and Four conform to the trunk sewer easement within the plan.

10. Road One is to be established to its full width prior to or in conjunction with the plan.

11. The owner is to purchase from the Regional Municipality lands known as Part 2, Reference Plan 62R-7100 and incorporate these lands in the final plan.

12. The centreline radii of all streets within the plan must have a 110 metre radius.

13. That prior to the availability of the extension of sewers from the east Lots 1 to 33 and Blocks "76" and "77" cannot be developed.

14. The centreline of street three must align with the centreline of street "G" as shown on the draft approved plan of "Di Cenzo Gardens", Regional File No. 25T-86008.

15. That Blocks "76", "77" and "79" to "83" inclusive be developed only in conjunction with adjacent lands.

16. That Blocks "84", "88" and "89" created by this plan as 0.3m reserves be conveyed to the City of Hamilton.

17. That an 86 foot road be established to its full width north of Block "75" prior to or in conjunction with this plan.

18. That the owners shall erect a sign in accordance with Section X of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

19. That the owners agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

b) That a subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-87-24, 491719 Ontario Limited, and 663921 Ontario Limited, owners, proposed draft of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

Respectfully submitted,

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

V. J. Abraham, M.C.I.P.
Director
Local Planning

BACKGROUND

Owners

491719 Ontario Ltd.
663921 Ontario Ltd., c/o J. Paisley, Burlington, Ontario

Surveyor

MacKay, MacKay and Peters, Hamilton, Ontario

Location

The lands, comprising 9.163 ha, are located north of Rymal Road East and east of Upper James Street, in the Ryckmans Neighbourhood, City of Hamilton.

Land Use and Zoning

	Existing Land Use	Existing Zoning
to the north	single-family dwellings and vacant lands	"C" (Urban Protected Residential, etc.), District and "AA" (Agricultural) District
to the east	vacant land of a draft approved plan of subdivision (DiCenzo Gardens)	"AA" (Agricultural) District
to the south	Bingo Palace, variety store, tanning salon, pizzeria and six vacant stores	"HH" (Restricted Community shopping and (Commercial) District and "AA" (Agricultural) District
to the west	across James Street - single-family dwellings	"C" (Urban Protected Residential, etc.) District

Proposal

The owners revised their proposal and now propose to subdivide the lands into 73 lots for single-family dwellings, eight blocks for development with adjacent lands, one block for commercial purposes, four 0.3m reserves, a daylight triangle, a block for a widening and to set aside the City-owned cemetery.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Commercial" and "Residential". Lands fronting on Upper James Street are also located in Special Policy Area 316. The proposal, subject to an amendment to redesignate a portion of the residential land use to commercial land use, would comply.

Neighbourhood Plan - the lands are designated for "Commercial"; "Commercial and Retail Warehouse" and "Single and Double Residential". The proposal would require an amendment to the Neighbourhood Plan.

Zoning - the lands are zoned "AA" (Agricultural) District and "HH" (Restricted Community Shopping and Commercial) District. An amendment to the Zoning By-law is required to permit the proposed development.

COMMENTS FROM CIRCULATION

Zoning Application

The following agencies have advised that they have no comment or objection:

City of Hamilton Building Department
City of Hamilton Traffic Department
Niagara Escarpment Commission Staff
Hamilton Region Conservation Authority
Hamilton-Wentworth Department of Engineering.

Subdivision Application

The following agencies have advised that they have no comment or objection toward the proposal:

Ministry of Municipal Affairs
Ministry of Transportation
Ministry of the Environment (subject to standard conditions)
Ministry of Culture and Communications
Niagara Escarpment Commission
Hamilton Region Conservation Authority
Ontario Hydro, Union Gas, Bell Telephone
City of Hamilton Board of Education
City of Hamilton Building Department (subject to rezoning)
City of Hamilton Traffic Department

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

"For information:

1. Existing sanitary and storm sewers are available for servicing Lots 31 to 57, Lots 60 to 70 and Blocks "73" and "74".

2. Lots 58, 59, 71 and Blocks "72", "77" and "78" will be serviced with sewers when the abutting roads Two and Five are established adjacent to these lands.

3. All lots and blocks within the plan can be serviced from the existing watermain on Upper James Street abutting this development.

4. The applicants should be advised that they will be responsible for the costs of municipal services on the proposed neighbourhood collector road which is to be established along the north limit of Block "74". If Block "74" is developed before the road is established, then the developer will be required to satisfy both the City and the Region in regards to financial recoveries for all applicable servicing costs for the construction of the said roadway.

5. We expect that there will be a Regional share for oversized watermains in this subdivision, which is estimated to be $30,000.00. There will be no Regional share for oversized sewers. There will also be a Regional share for services adjacent to the south side of Road One at Upper James Street. These costs are estimated to be $7,500.00 and will be recoverable in the future.

Recommendations:

6. Lots 1 to 30 and Blocks "75" and "76" will have to await the extension of sewers from the east up to the limit of these lands. Also, depending on the manner in which Block "74" is developed, the north-easterly corner may have to await the extension of sewers as well (See also Item 14 below).

7. The applicant is to dedicate sufficient lands to the Region for road widening purposes along Upper James Street, to establish the property line at 18.29 metres (60 feet) from the centreline of the original Upper James road allowance.

8. Roads One, Two and Four must be established to conform to the existing trunk sewers located on various easements within the plan. Detailed information can be obtained from this Department.

9. Road One is to be established to its full width prior to or in conjunction with the registration of the plan of subdivision.

10. Road Two is to be established so that it does not interfere with the cemetery lands shown in the vicinity of Lot 31. The westerly property line of the cemetery should abut the easterly property line of the proposed street if the cemetery should abut the easterly property line of the proposed street if the cemetery is to remain in its present location.

11. The Region presently owns lands in the area of Road Four (see attached sketch). The applicant is to purchase from the Region, the lands known as Part 2, Reference Plan 62R-7100 and incorporate these lands in the Final Survey Plan of Subdivision.

12. A 12 metre x 12 metre daylight triangle is to be established from the widened limits of Upper James Street, at the north-west corner of Block "74".

13. The centreline radii of all streets within the plan must conform to the 110 metre centreline radius requirements.

14. The easterly end of Road Three is to align with Street "G" as shown on the approved draft plan of "DiCenzo Gardens" - Regional File No. 25T-86008 (See also item 6 above).

15. The open sides and dead ends of the road allowances are to be terminated with 0.3 metre reserves.

16. Provisions should be made to establish the cul-de-sac at the end of Road Four to its full radius in conjunction with the registration of this plan. Lands to the east will have to be acquired from those lands designated for the park/native burial grounds. Alternatively, the proposed cul-de-sac bulb at the end of Road Four is to be pulled back so that it is established fully within the limits of the subdivision. A walkway is then to be established at the end of the bulb to allow for a minimum 3 metre public access to the park/native burial grounds from Road Four (see attached sketch).

17. The Developer is to enter into subdivision agreements with both the City of Hamilton and the Regional Municipality of Hamilton-Wentworth prior to the development of any portion of the subject lands.

The submitted plan, as prepared by Higgins Engineering Limited and dated April 6, 1987, is satisfactory to this Department, subject to the above-referenced comments and recommendations."

The Ministry of Natural Resources have submitted the following comments and recommendations:

"We have no objection to this proposal subject to the following being implemented as conditions of subdivision approval:

1. Prior to any grading or construction on the site, the owner shall submit to the District Manager, Cambridge District, Ministry of Natural Resources, and receive approval for the following:

    i) drainage plan showing existing and proposed drainage, including stormwater management, and all erosion and sedimentation control measures to be employed during and after construction, and their required maintenance.

2. The owner shall agree in the Subdivision Agreement, in wording satisfactory to the District Manager, Cambridge District, Ministry of Natural Resources, to implement all works according to the plans prepared under Condition 1. above."

COMMENTS

OFFICIAL PLAN

1. Block "1" is designated "Residential" on Schedule "A". The proposal complies.

2. Blocks "3", "4", "5" and "6" are designated "Commercial" and Block "2" is designated both "Residential" and "Commercial".

3. In addition, Blocks "3", "4", "5", "6" and part of Block "2" are located within Special Policy Areas #31 and #31b (Policy A.2.9.26). Special Policy Area No. 31b encourages the location of retail warehouse uses in addition to other commercial uses in the area.

4. Further, Policy A.2.9.26 states that the depth of the commercial area will be determined through the preparation of a Neighbourhood Plan. In this instance, the Ryckmans Neighbourhood Plan only designates the westerly portion of Block "2" for commercial purposes.

5. Based on the above-noted policies, the easterly portion of Block "2" does not comply with the Official Plan.

The following two amendments are required to permit the proposal:

i) to redesignate the easterly portion of Block "2" from "Residential" to "Commercial; and,

ii) to extend Special Policy Areas 31 and 31b in accordance with the "Commercial" designation.

ZONING

The purpose of the proposed changes in zoning is to permit the development of Blocks "2", "3", "4", "5" and "6" for a shopping plaza and a 100-room motel, and Block "1" for single family dwellings. In addition, the following additional commercial uses are proposed to be included: medical and dental clinic/offices; brewers' retail store, liquor store and commercial school.

NEIGHBOURHOOD PLAN

1. Block "1" is designated "Residential" in the approved Ryckmans Neighbourhood Plan.

2. The easterly portion of Block "2" is designated "Residential". A redesignation to "Commercial" is required.

3. Portions of Blocks "2" and "3" are designated "Neighbourhood Commerical". Blocks "4", "5", "6" and portions of Blocks "2" and "3" are designated "Commercial and Retail Warehouse". Therefore, Blocks "3", "4", "5", "6" and the westerly portion of Block "2" should be redesignated to "Commercial" (See Appendix B).

UPPER JAMES STREET CORRIDOR URBAN DESIGN GUIDELINES

1. The portion of the subject lands designated "Commercial and Retail/Warehouse" in the Neighbourhood Plan are subject to Urban Design Guidelines, which include the following:

i) a minimum lot depth of 97.5m (325 feet);

ii) a minimum lot frontage of 30m (100 feet);

iii) a 3m (10 feet) landscaping strip along both the rear and front lot lines;

iv) rear and front service roads 21m (70 feet) in width which would permit two rows of parked cars and a through lane for traffic; and,

v) a maximum building height of eight storeys.

2. Although the commercial component is being redesignated to "Commercial" only, the same Guidelines will apply and the details will be completed at the site plan stage.

3. Many of the features of the Urban Design Guidelines will be applied during the site plan approval process.

GENERAL COMMENTS - ZONING

1. At its meeting of November 12, 1986, the Planning and Development Committee, and adopted by City Council on November 25, 1986, approved a zoning application for the northern half of the subject lands. Subsequently, the applicant applied to rezone the lands currently under consideration. Therefore, the Council's resolution of November 25, 1987 should be rescinded.

2. The proposal warrants consideration for the following reasons:

a) The commercial component of the development is located on a major arterial road and the residential portion is located within the interior of the neighbourhood;

b) It would be compatible with the existing and proposed development in the area.

c) From a Planning perspective, the proposed commercial development of the entire block is preferable since it provides for greater buffering and screening between the commercial and residential to the east. There would no longer be lots backing directly onto the commercial site. Instead, there would be a road separating these two uses.

3. Approval of the application would require the following variances and new regulations for the commercial component:

i) "G" District Regulations

The applicant has requested the following additional commercial and residential uses: commercial school, liquor store, brewers' retail store, medical and dental clinic/offices and motel to be added to the "G" District uses. These uses are compatible with the uses already permitted in the "G" District and can be supported. Further, the uses noted above, (except the motel), were approved by the Planning and Development Committee in a prior zoning application for the northern half of the subject lands.

ii) Landscaping Requirements

To ensure adequate screening and buffering for the proposed residential to the east, it is appropriate to require a 9.1m landscaped strip (which will include a 1.5m berm) and a visual barrier between 1.8m and 2.0m in height.

iii) Access

The Traffic Department has indicated that access to the commercial development should be restricted to the proposed roads, north and south, which will reduce the flow of traffic onto the local internal streets. A variance should be included in the by-law to ensure no access is permitted from the easterly property line of the site.

Under the "G" District provisions, the lands are subject to Site Plan Control By-law 79-275. Matters such as parking, landscaping, access, Urban Design Guidelines, etc. will be reviewed during the site plan approval process.

GENERAL COMMENTS - SUBDIVISION

1. The conformity of the proposal with The Hamilton-Wentworth Official Plan and the need for an amendment to the City of Hamilton Official Plan and the Zoning By-law is noted.

2. As no part of the subject land is designated park and recreational use on the approved neighbourhood plan, it is recommended that the parkland requirement for this subdivision be taken as cash-in-lieu of land.

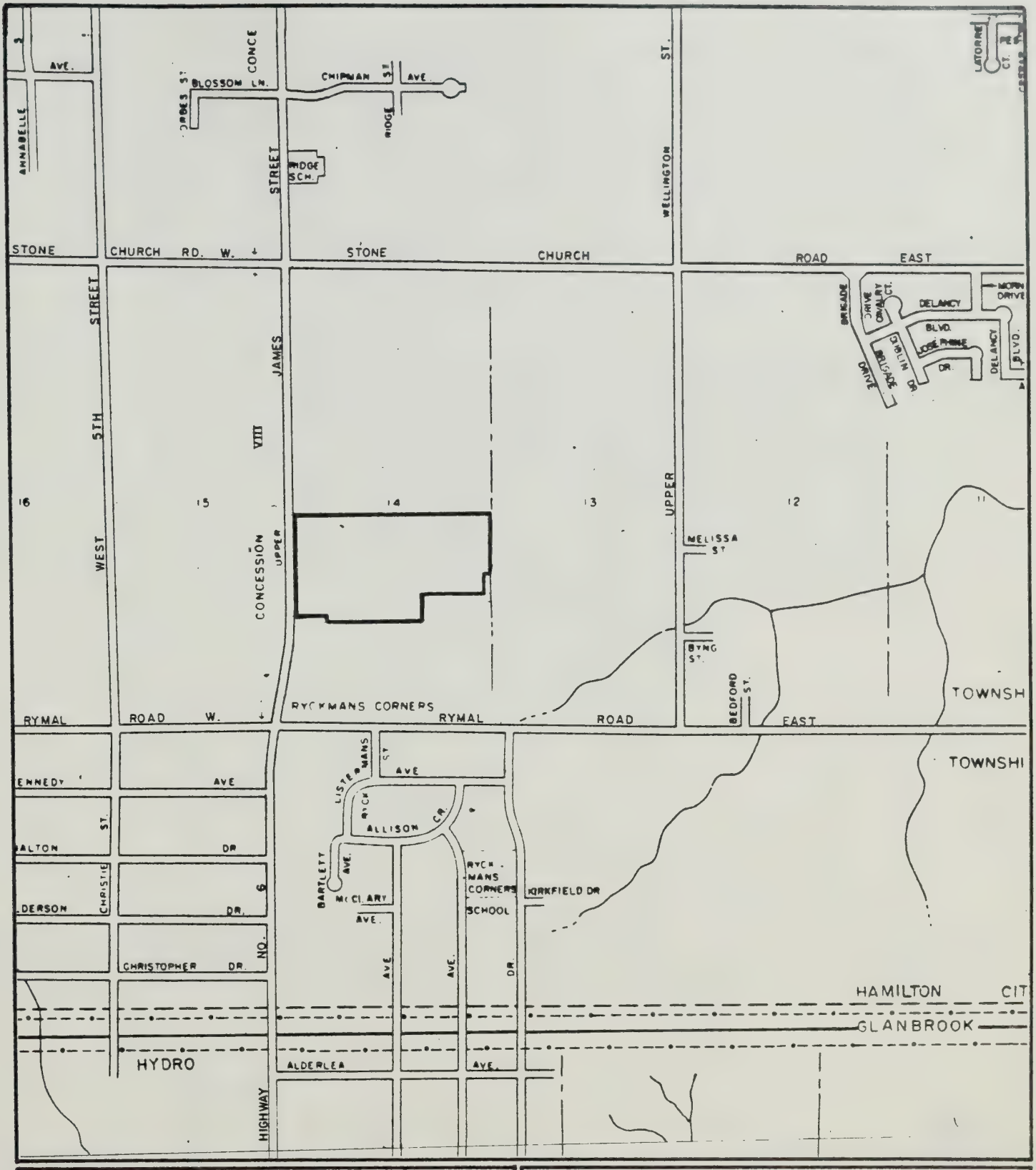
3. Under the "HH" District provisions, the lands are subject to Site Plan Control By-law 79-275 and development matters will be reviewed during the Site Plan process.

4. The proposed changes to the Neighbourhood Plan designation should be implemented upon approval of the Official Plan Amendment, the zoning application and the draft approved plan of subdivision by City Council.

5. The requirements of the Ministry of the Environment and the Ministry of Natural Resources can be implemented through the conditions of draft approval by the Regional Municipality of Hamilton-Wentworth.

6. The owner is hereby advised to take notice of point 1 to 6 inclusive of the Regional Department of Engineering as included in this report.

JLS/jd



Location Plan For

PART OF LOT 14, CON. 8

IN THE

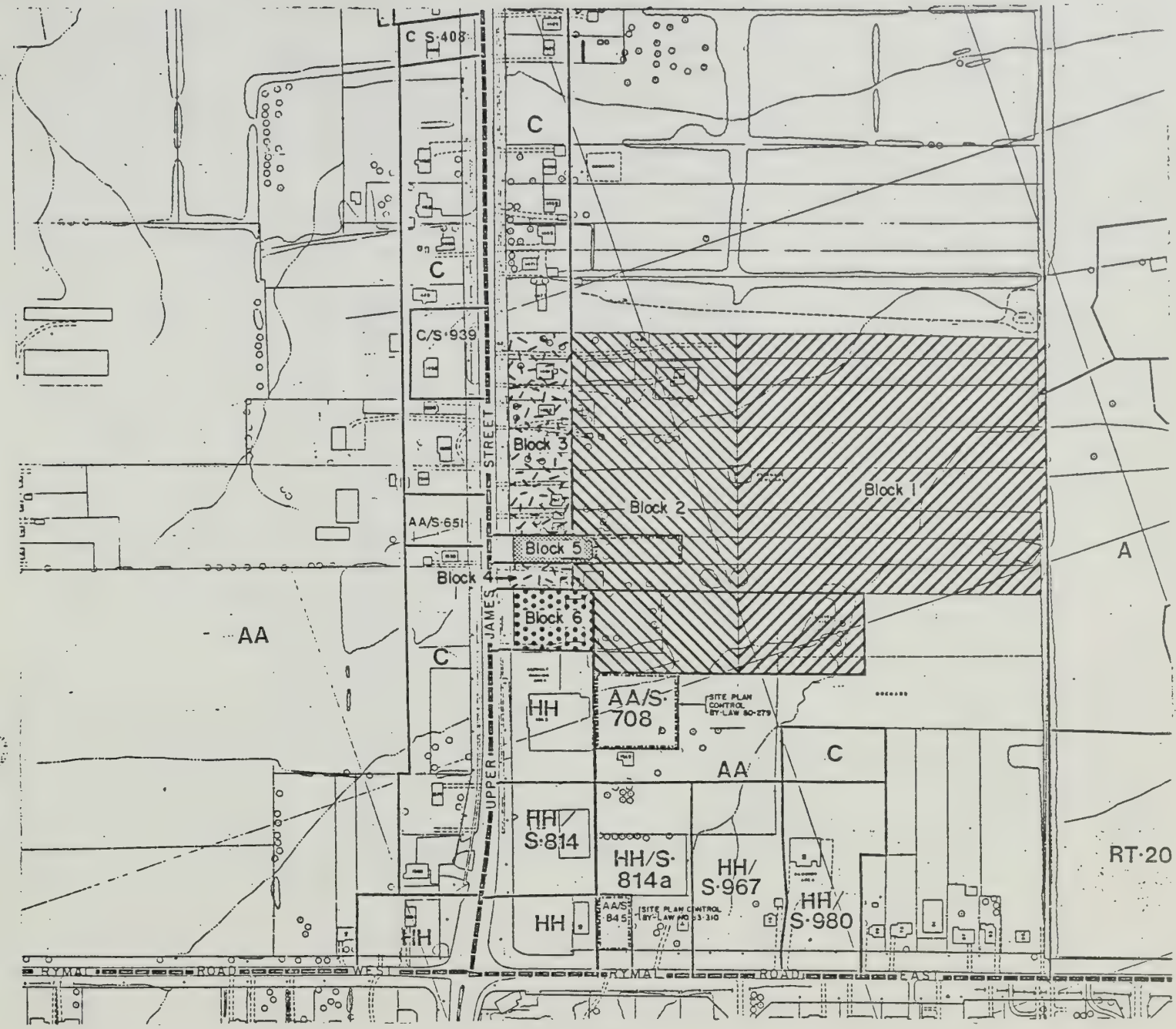
CITY OF HAMILTON

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

PROPOSED SUBDIVISION

North	Scale	Reference File No.
	N. T. S.	25T-87032
	Date	Drawing No.
	AUGUST 5, 1987	



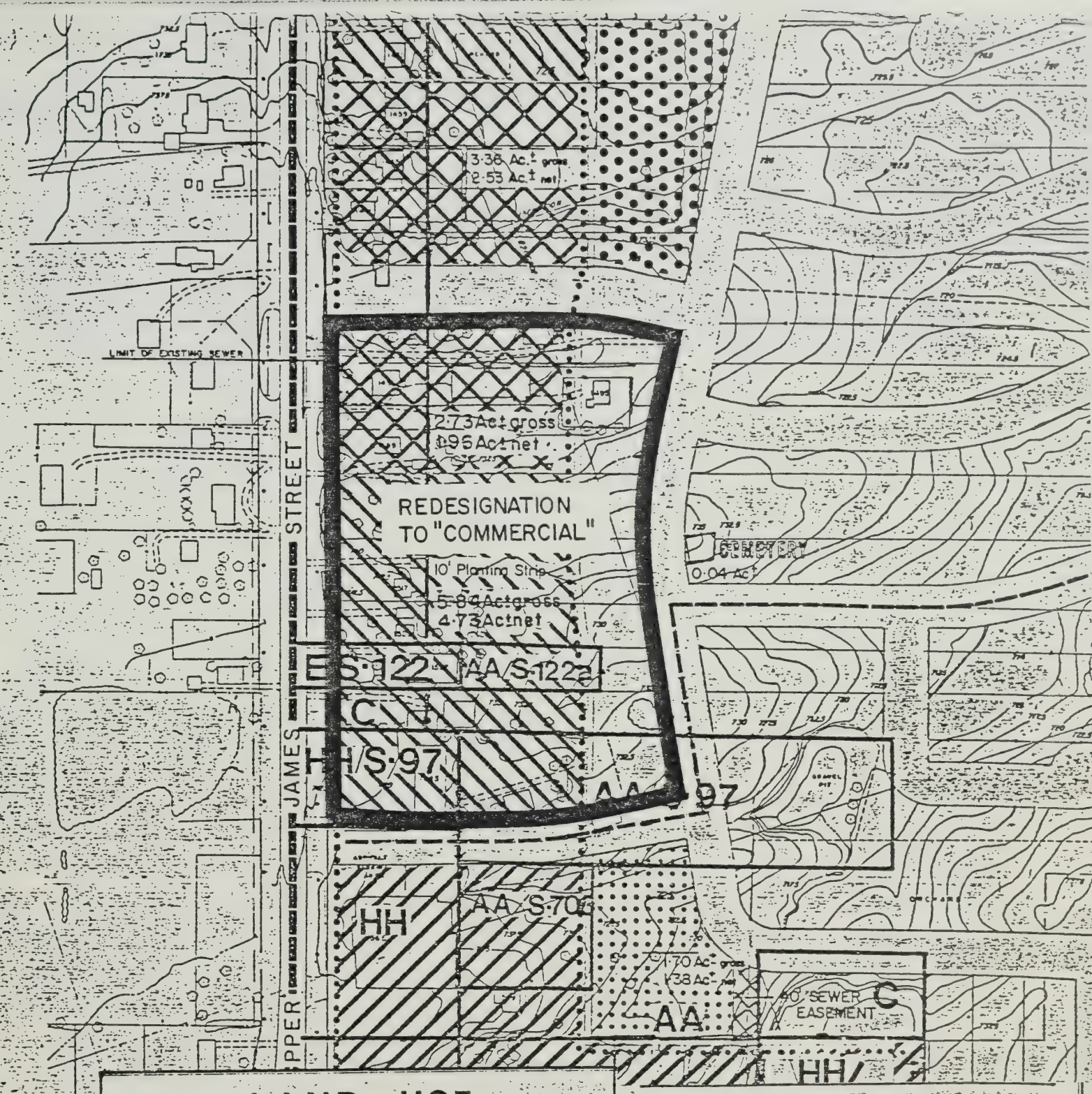
LEGEND

Lands for which the following changes in zoning are proposed:

ZA87-84

Block 1		From "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.
Block 2		From "AA" (Agricultural) District to "G" (Neighbourhood Shopping Centre, etc.) District, modified.
Blocks 3 & 4		From "C" (Urban Protected Residential, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District, modified.
Block 5		From "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District, modified.
Block 6		From "HH" (Restricted Community Shopping and Commercial) District to "G" (Neighbourhood Shopping Centre, etc.) District, modified.

APPENDIX A



LAND USE

RESIDENTIAL

- COMMERCIAL
- NEIGHBOURHOOD COMMERCIAL
- single & double
- attached housing
- low density apts.
- commercial & retail warehouse
- ..... AREA SUBJECT TO URBAN DESIGN POLICY

Approvals
Planning Comm. July 9, 1986 Council July 22, 1986
Revisions

CITY OF HAMILTON
PLANNING DEPARTMENT

RYCKMANS

APPROVED PLAN

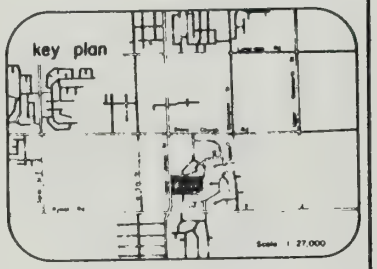
NORTH

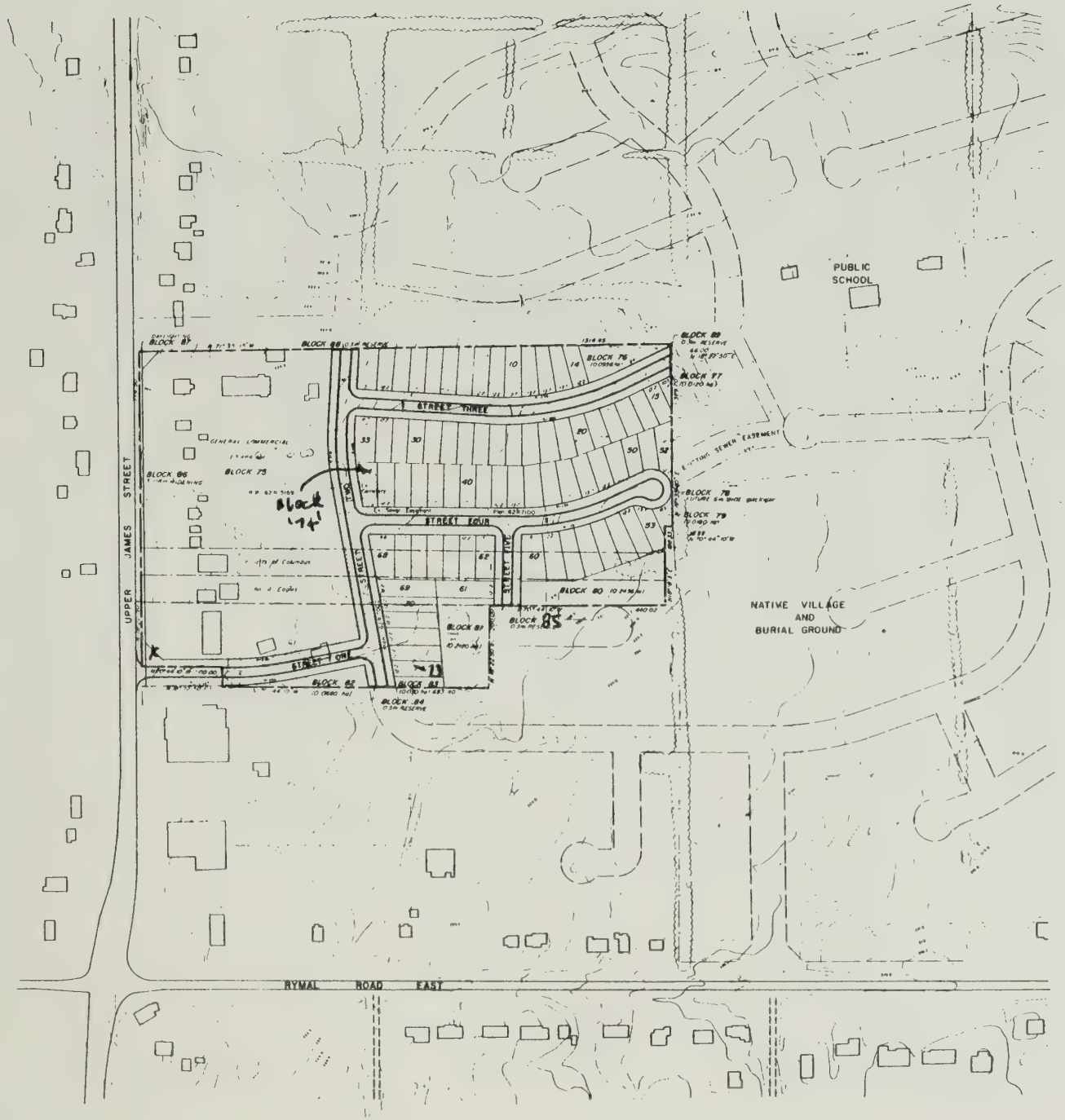
APPENDIX B

0 50 100 200 300
SCALE IN FEET

draft plan

OF PROPOSED SUBDIVISION OF
PART OF LOT 14, CONCESSION 8
CITY OF HAMILTON
FORMERLY TOWNSHIP OF BARTON
REGIONAL MUNICIPALITY OF
HAMILTON WENTWORTH





ANALYSIS

Lots 1 to 74 - Residential	3.156 ha
Block 75 - Commercial	2.484 ha
Blocks 76-85 & 87-90 - Future Development	0.698 ha
Roads (869 lineal metres) & Block	1.823 ha
TOTAL	9.163 ha

OWNER'S CERTIFICATE

I Hereby Authorize HIGGINS ENGINEERING LIMITED, Consulting Engineers and Planners, to submit this plan of proposed subdivision. Knights of Columbus

26th May 1987

I Hereby Authorize HIGGINS ENGINEERING LIMITED, Consulting Engineers and Planners, to submit this plan of proposed subdivision. 491719 Ontario Limited

26th May 1987

SURVEYOR'S CERTIFICATE

I Hereby Certify that the boundary of the lands to be subdivided as shown on this plan and their relationship to those adjacent lands are accurately and correctly shown

I David Peters O.L.S.
26th May 1987

I Hereby Authorize HIGGINS ENGINEERING LIMITED, Consulting Engineers and Planners, to submit this plan of proposed subdivision.

John A. Eagles

ADDITIONAL INFORMATION - Required under Section 50(17)a Planning Act

(a) as shown
(b) the applicant owns the lands adjacent thereto as shown on the key plan
(c) as shown
(d) single family residential
(e) as shown
(f) as shown
(g) as shown
(h) municipal water
(i) sloppy silty silt
(j) as shown
(k) municipal water, storm and sanitary sewers, etc

No.	REVISIONS	INITIALS	DATE

HIGGINS ENGINEERING LIMITED
CONSULTING ENGINEERS & PLANNERS
460 DUNDAS CIRCLE SUITE 206, CONCORD 669-6210

491719 ONTARIO LIMITED
2340 Fairview Street
BURLINGTON, Ontario L7R 2E3

CITY OF HAMILTON

Proposed Plan of Subdivision
Part of Lot 14, Concession 8
City of Hamilton

Designed: D.P.S.	Check:	Scale: 1:1000
Drawn: J.G.		
Traced	Date:	Drawing Number: 1154-204
Checked	File:	

25T-87032 Revised

11.

FOR ACTION

REPORT TO: SUSAN REEDER, ACTING SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 1988 February 15

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

COMM FILE:
DEPT. FILE: ZA-87-131
KENNEDY EAST
NEIGHBOURHOOD

SUBJECT:

Request for a change in zoning - No. 203 Rymal Road West.

RECOMMENDATION

(a) That approval be given to Zoning Application ZA-87-131, Montham Developments Ltd., prospective owner, for a change in zoning from "AA" (Agricultural) Distrct to "C" (Urban Protected Residential, etc.) District, of property located on the south side of Rymal Road West in the area west of Christie Street, municipally known as No. 203 Rymal Road West, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-9D; W-9E, W-17D; and, W-17E; and,

iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning of the subject lands, municipally known as No. 203 Rymal Road West, from "AA" (Agricultural) District to"C" (Urban Protected Residential, etc.) District.

The effect of the By-law is to permit development of the subject lands for single-family dwellings.

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

Request for a change in zoning - No. 203 Rymal Road West, from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located on the south side of Rymal Road West in the area west of Christie Street. The purpose of the application is to permit development of the lands for single-family dwelling lots.

Land Severance Application

On February 2, 1988, the Regional Land Division Committee considered and approved Land Severance Application H-13-88 to convey a vacant parcel of land measuring 154.23m x 37.51m, and to retain the balance of the holding, measuring 27.32m x 45.74m presently occupied by a single-family dwelling. On the basis that the proposal complies with both the Official Plan, the Kennedy East Neighbourhood Plan and the "C" District provisions, the Planning and Development Department recommended that the application be approved, subject to receiving approval of a rezoning application for a change in zoning of both parcels of land (retained and conveyed) from "AA" (Agricultural) District to a "C" (Urban Protected Residential, etc.) District.

APPLICANT

Montham Developments Ltd., prospective owner.

LOT SIZE AND AREA

- 181.55m (595.63 feet) of lot frontage on the south side of Rymal Road West;
- 47.74m (150.0 feet) of lot depth; and,
- 0.83 ha (2.05 acres) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
SUBJECT LANDS	Single-Family Dwellings	"AA" (Agricultural) District
SURROUNDING LANDS		
To the north	Single-Family Dwellings	"AA" (Agricultural) District and "B" (Suburban Agriculture and Residential, etc.) District

	Existing Land Use	Existing Zoning
To the south	Vacant Lands	"AA" (Agricultural) District
To the east	Vacant Lands and Single-Family Dwellings	"C" (Urban Protected Residential, etc.) District and "B" (Suburban Agriculture and Residential, etc.) District
To the west	Vacant Lands (St. Elizabeth Village lands)	"AA" (Agricultural) District

OFFICIAL PLAN

Designated "Residential", the proposal complies.

NEIGHBOURHOOD PLAN

Designated for "Single and Double" residential development on the approved Kennedy East Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED

- The Building Department, Traffic Department, Hamilton Region Conservation Authority, Local Architectural Conservation Advisory Committee, Niagara Peninsula Conservation Authority have no comments or objections.

- The Hamilton-Wentworth Engineering Department has advised that:

  - Storm and sanitary sewers as well as public water supply is available to service this site.

  - A road widening of approximately 7.114 m (23.39 ft.) is required on Rymal Road West.

  - All City and Regional concerns will be covered under a Plan of Subdivision when the plans are ready for development. This will also ensure that the lots are oriented to the proposed neighbourhood streets for access in order to minimize the number of single-family driveways onto Rymal Road.

  - The grade of the driveways within the Rymal Road road allowance as widened, can be established at a maximum grade of 3% from the future curb line on Rymal Road.

  - Any work within the Rymal Road road allowance, as widened, must conform to the Region's Road Use By-law.

COMMENTS

1. The proposal complies with the intent of the Official Plan.

2. The proposal complies with the approved Kennedy East Neighbourhood Plan;

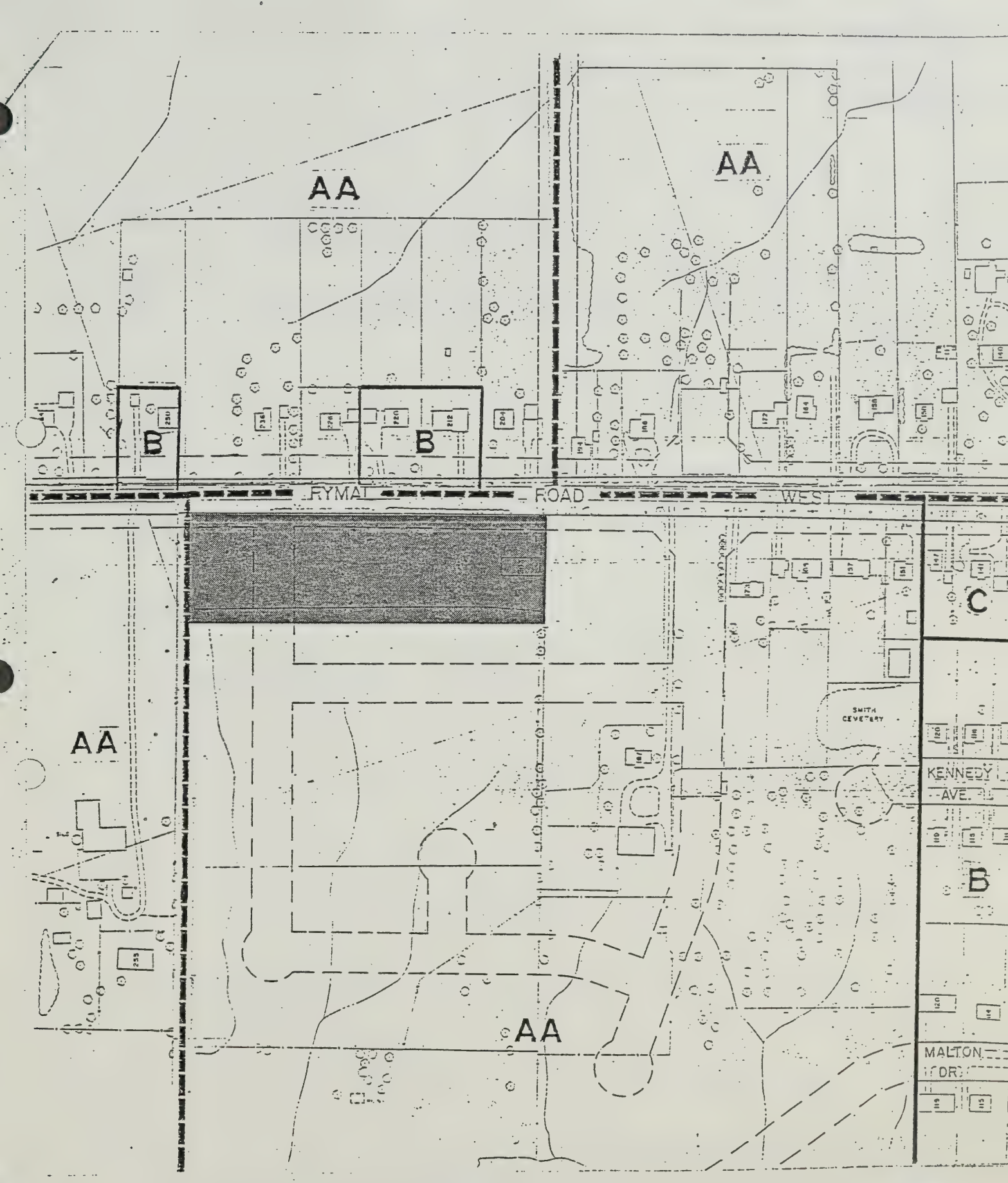
3. The proposal has merit and can be supported because the development of the subject lands as proposed would be in keeping with existing and proposed development in this area, the majority of which is for single-family dwellings.

   Development of the subject lands for single-family dwellings would be subject to either submission of a draft plan of subdivision, or land severance application through the Regional Land Division Committee. In this regard, matters related to road widenings, etc. can be finalized under the subdivision or land severance application process.

CONCLUSION

On the basis of the foregoing, the application can be supported.

GAW:cab.
WP 0019P



LEGEND

SITE OF THE APPLICATION

ZA87-131

APPENDIX A

12.

FOR ACTION

REPORT TO: SUSAN REEDER, ACTING SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 1988 February 15
COMM FILE:

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DEPT. FILE: ZA-87-135
VINCENT
NEIGHBOURHOOD

SUBJECT:

Request for a change in zoning for the properties located at Nos. 240 and 244 Quigley Road to permit the redevelopment of the subject properties for an apartment building, including a hairdressing/barbershop establishment within the first floor of the building.

RECOMMENDATION

(a) That approval be given to Zoning Application 87-135, Emilio Ianiri, owner and prospective owner, requesting changes in zoning from "C" (Urban Protected Residential, etc.) District and "C" (Urban Protected Residential, etc.) District, modified, to "DE-2" (Multiple Dwellings) District, modified, to permit the re-development of the subject lands for an apartment building, including a hairdressing/barbershop establishment on the first floor, for the properties located at Nos. 240 and 244 Quigley Road, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That Block "1" be rezoned from "C" (Urban Protected Residential, etc.) District to "DE-2" (Multiple Dwellings) District;

ii) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District, modified, to "DE-2" (Multiple Dwellings) District;

iii) That the "DE-2" (Multiple Dwellings) District regulations as contained in Section 10B of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variances as special requirements:

a) That notwithstanding Section 10B(1), the following commercial use shall be permitted:

1. a barbershop/hairdressing establishment within the first storey of the residential building with the accommodation of not more than two employees;

b) That notwithstanding Section 10B(1), the following accessory use shall be permitted:

1. an internally illuminated sign or notice posted on the premises having an area of not more than 0.2 m^2 attached to and as flush with a wall of the building;

iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-97 be notated S- ;

v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-97; and,

vi) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

EXPLANATORY NOTE

The purpose of this By-law is to provide for changes in zoning for the properties located at Nos. 240 and 244 Quigley Road on the following basis:

Block "1" - Change in zoning from "C" (Urban Protected Residential, etc.) District to "DE-2" (Multiple Dwellings) District, modified.

Block "2" - Change in zoning from "C" (Urban Protected Residential, etc.) District, modified, to "DE-2" (Multiple Dwellings) District, modified.

The effect of the by-law is to permit the re-development of the subject properties for an apartment building, including a hairdressing/barbershop establishment within the first floor of the building.

FINANCIAL IMPLICATIONS

N/A.

APPLICANT

Emilio Ianiri, owner and prospective owner.

LOT SIZE AND AREA

- o 45.72 m (150 feet) of lot frontage;
- o 50.29 m (165 feet) of lot depth; and,
- o 2,299.28 m^2 (24,750 square feet) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	Single-Family Dwellings, Hairdresser business within single-family dwelling	"C" (Urban Protected Residential, etc.) District
Surrounding Lands		
to the north and west	Multiple Dwelling	"DE-2" (Multiple Dwellings) District
To the south and east	Townhouses	"DE-2" (Multiple Dwellings) District

OFFICIAL PLAN

The subject lands are designated "Residential" on Schedule "A". Local commercial uses such as hairdressing establishments are permitted within a residential designation, provided they are less than .4 ha in size and they serve local residential areas only with convenience goods and personal services.

NEIGHBOURHOOD PLAN

The subject lands are designated "Medium Density Apartments" in the approved Vincent Neighbourhood Plan. The proposal complies.

BY-LAW 84-226

On October 30, 1984, City Council passed a by-law to permit a hairdressing establishment (employing two persons) within the first storey of the building located at No. 244 Quigley Road. In addition, the by-law permits a wall sign no larger than 0.2 m^2.

COMMENTS RECEIVED

- o The Building Department, Hamilton Region Conservation Authority and the Traffic Department have o comments or objections.

o The Hamilton-Wentworth Engineering Department has advised that:

"...public watermains as well as separate storm and sanitary sewers are available to service the subject lands.

The designated road allowance width of Quigley Road is 26.21 m (86 feet). As a condition of approval, we recommend that sufficient lands be dedicated to the City of Hamilton to establish the property line 13.11 m (43 feet) from the centreline of Quigley Road (Plan Q-84). It appears from our records that the City of Hamilton has previously acquired the necessary 3.048 m (10 feet) widening. The plans submitted by the applicant seem to indicate that they still own the widening. These matters should be resolved prior to or as a condition of development approval.

Any work within the Quigley Road road allowance, as widened, must conform to the City of Hamilton Streets By-law. All setbacks are to be taken from the widened limits of Quigley Road.

The City of Hamilton Traffic Department wil submit comments on detailed access design. At this time, we advise that the maximum driveway grade within the road allowance, as widened, should not exceed 3%. Access may also be restricted to the mkd-northerly portion of the subject lands to maximize visibility for motorists entering Quigley Road."

COMMENTS

1. The proposal complies with both the Official Plan and approved Vincent Neighbourhood Plan.

2. The proposal warrants consideration for the following reasons;

   a) it is compatible with the apartments to the north and west and the townhouses to the east and south; and,

   b) it implements the intent of the Neighbourhood Plan.

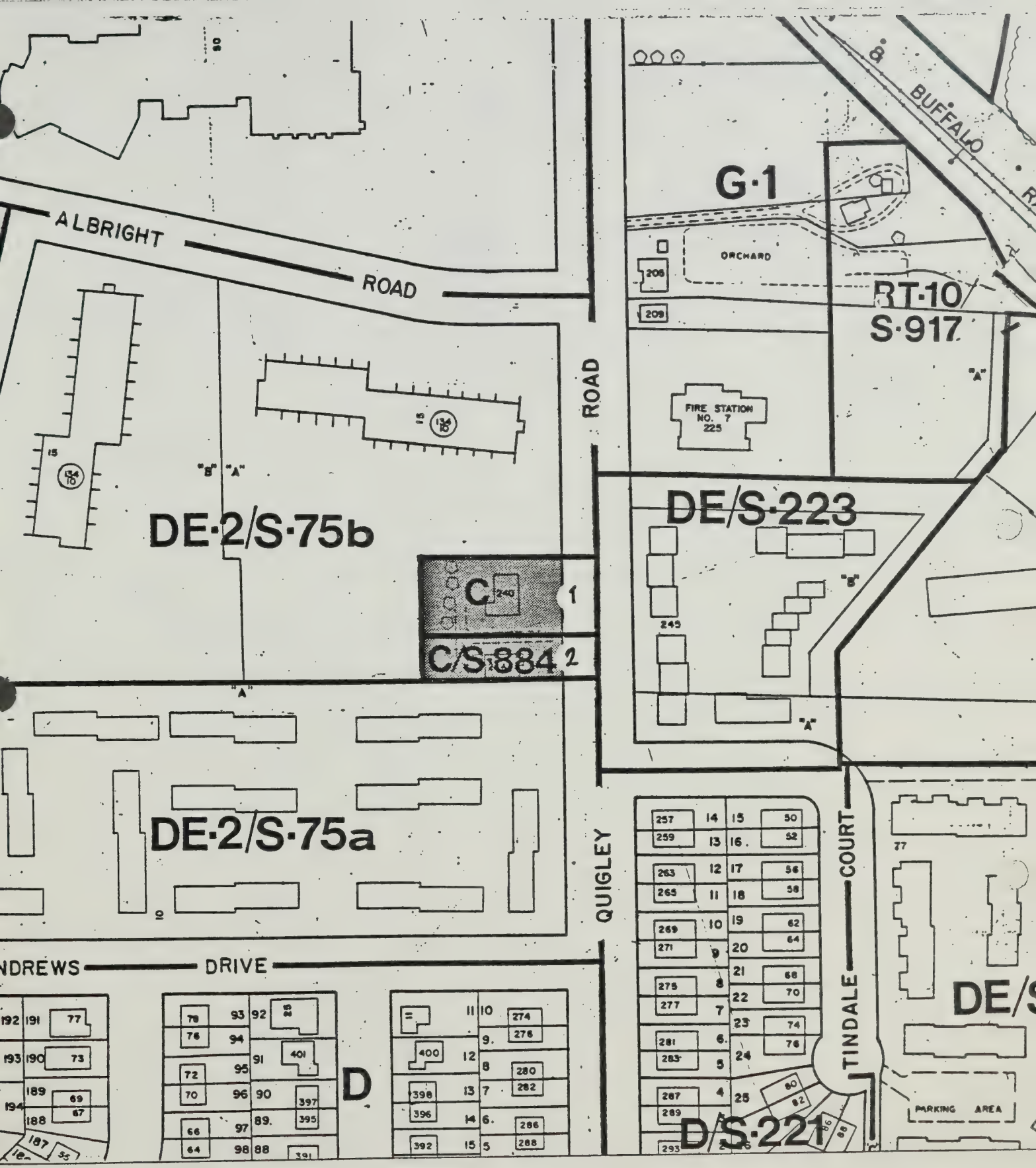
3. The proposed development includes a hairdressing establishment (maximum of two employees) to be included on the first floor of the multiple dwelling. Under the "DE-2" District regulations, no commercial use is permitted. Accordingly, a variance is required to permit the above-noted use, as well as an accessory use to the business (0.2 m^2 wall sign). This variance may be supported since the existing building located on the subject lands includes a hairdressing establishment. Therefore, it is no less feasible to permit this use within the proposed multiple dwelling. The restrictions, as set out in By-law No. 84-226, shall apply.

4. Under the "DE-2" District regulations, the lands are subject to Site Plan Control By-law 79-275. Matters such as parking, landscaping, access, etc. will be reviewed during the site plan approval process.

CONCLUSION

Based on the foregoing, the proposal can be supported.

JH:cab.
0118P



LEGEND

SITE OF THE APPLICATION

Blocks 1 & 2

ZA-87-135

APPENDIX A

REFERRED BACK BY COUNCIL JAN 12/88

E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

1988 January 06

13a.

Members
City Council

Re: By-Law Number 87-334
Lands on the West Side of Upper Sherman Avenue
North of Limeridge Road East

I have received the following objections to the above-mentioned By-Law from:

(a) Alderman Henry Merling, City Hall, 71 Main St. West, Hamilton, L8N 3T4 dated December 29th, 1987

(b) J. M. Venditti representing Marz Homes Ltd., 115 #8 Hwy., Stoney Creek L8G 1C1 dated December 22nd, 1987

(c) Helen Carambia and another, 290 Parkwood Crescent, Hamilton dated December 28th, 1987

(d) Christine Sylvester, 282 Parkwood Crescent, Hamilton dated December 28th, 1987

(e) A Resident Owner, 294 Parkwood Crescent, Hamilton dated December 28th, 1987

(f) Victoria Hollingwood and another, 1098 Upper Sherman Avenue, Hamilton dated December 28th, 1987

(g) Pamela Smith, 1102 Upper Sherman, Hamilton dated December 28th, 1987

(h) Timothy Smith, 1102 Upper Sherman, Hamilton dated December 28th, 1987

(i) Wycliff Clarke and E. M. Clarke, 281 Parkwood Crescent, Hamilton dated December 28th, 1987

(j) John and Priscilla Duncan, 285 Parkwood Crescent, Hamilton dated December 28th, 1987

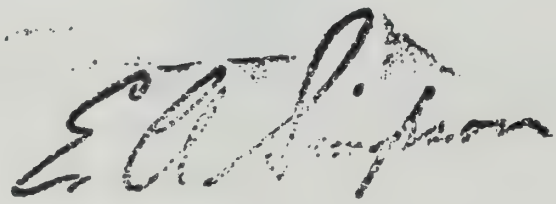
(k) A Resident Owner, 286 Parkwood Crescent, Hamilton dated December 28th, 1987

I am attaching the following:

1. *Copy of the By-Law*
2. *Copy of the Explanatory Note.*
3. *Copy of the objections.*

The Planning & Development Committee directed that a full Public Meeting be held to rehear this Application.

I propose to ask Council to deal with these objections at its meeting to be held 1988, January 12th.



E. A. Simpson
City Clerk

EAS/lp

Attachments

cc: Mr. V. Abraham, Director of Development, Planning Deparment
Mr. P. Hooker, City Solicitor's Department
Mr L. Sage, Chief Administrative Officer
Mrs. R. Morrison, Secretary to the City Clerk

Bill No. D-147

The Corporation of the City of Hamilton

BY-LAW NO. 87- 334

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED ON THE WEST SIDE OF UPPER SHERMAN AVENUE IN THE AREA NORTH OF LINERIDGE ROAD EAST

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, proposed by the Council of The Corporation of the City of Hamilton but not yet approved by the Minister under The Planning Act at the time of the passing of the by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-27A of the District Maps, appended to and forming part of By-law No. 6593, is amended,

(a) by changing from "AA" (Agricultural) district to "HH" (Restricted Community Shopping and Commercial) district, the land,

the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The "HH" (Restricted Community Shopping and Commercial) district provisions applicable to the lands referred to in section 1 are amended to the extent only of the special requirements that,

(a) notwithstanding subclause (i) of clause 2(2)D, clauses 14A(1)(d) and 14(1)(xviia) of By-law No. 6593, the following,

(i) COMMERCIAL USE accessory to an automobile service station, shall not be prohibited:

1. A coin-operated manual car wash having not more than six stalls;

(b) notwithstanding clause 14A(3)(a) of By-law No. 6593, a front yard having a depth of at least 3.0 m shall be provided and maintained;

(c) notwithstanding clause 14A(3)(b) of By-law No. 6593, a side yard of a width of at least 3.0 m shall be provided and maintained;

(d) notwithstanding clause 14A(3)(c) of By-law No. 6593, a rear yard of at least 3.0 m shall be provided and maintained;

(e) notwithstanding subclause (a) of clause 18(3)(ivc), clause 18(3)(ivd) and subclause (b) of clause 18(3)(ive) of By-law No. 6593, every building shall be distant not less than 3.0 m from the southerly lot line and from the westerly lot line;

(f) notwithstanding subclause (xxvi) of clause 2(2)(J), subclause (b) of clause 18(3)(ivc) and clause 18(3)(vi) of By-law No. 6593, vacuum cleaning machines shall be distant not less than 2.3 m from the northerly side lot line.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "RM" district provisions, subject to the special requirements referred to in section 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as "S-1047".

5. Sheet No. E-27A of the District Maps is amended by marking the land referred to in section 1 of this by-law, "S-1047".

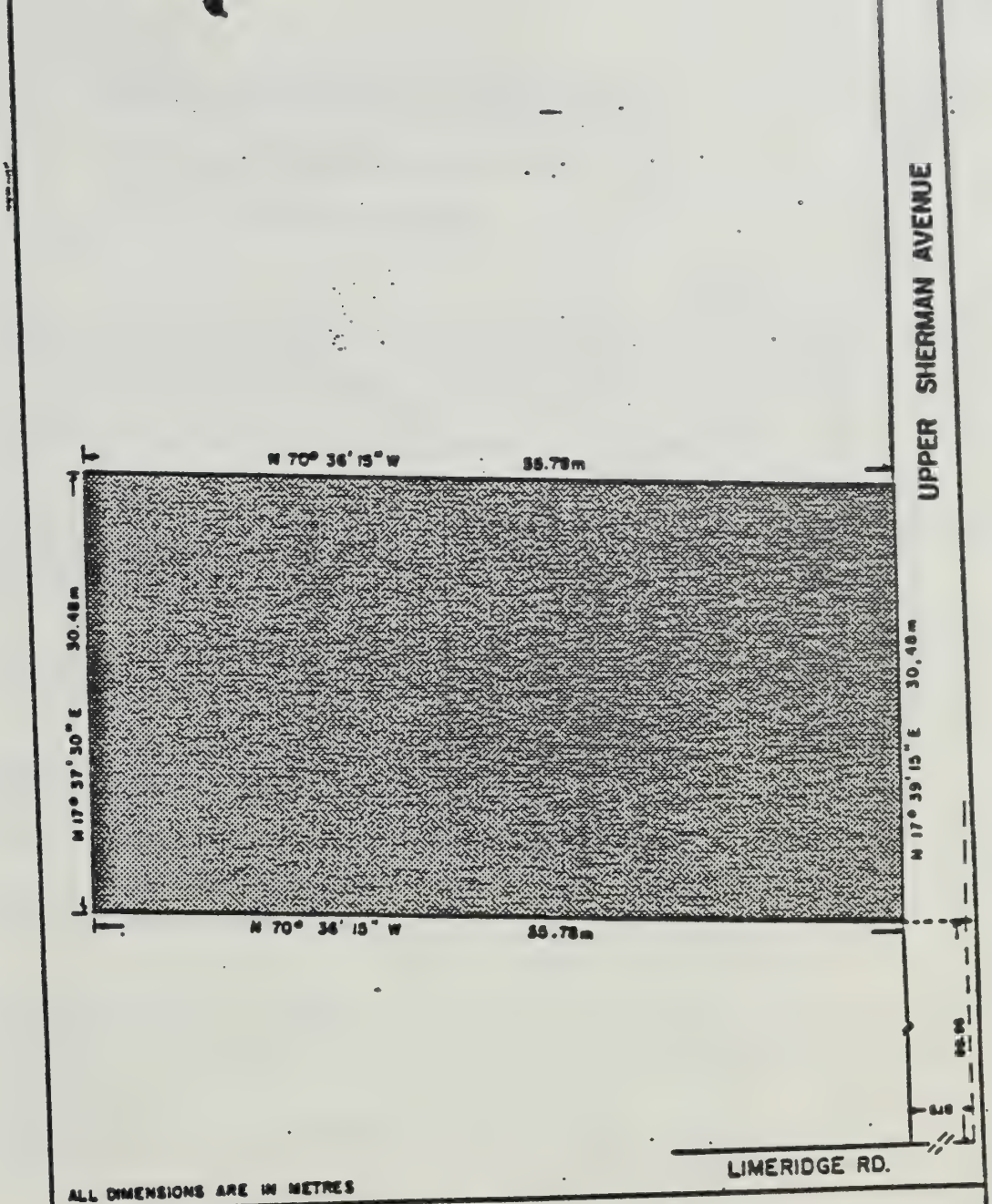
6. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with The Planning Act, 1983.

PASSED this 24th day of November A.D. 1987.

City Clerk

Mayor

(1987) 20 R.P.D.C. 1(b), October 27
Ashok Kumar, Owner
ZA-86-15



ALL DIMENSIONS ARE IN METRES

THIS IS SCHEDULE "A" TO BY-LAW NO. 87-334
PASSED THE 24th DAY OF November 1987

Clerk

Mayor

CITY OF HAMILTON
SCHEDULE "A"
MAP FORMING PART OF
BY-LAW Nº 87-334
TO AMEND BY-LAW Nº 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

CHANGE IN ZONING FROM "AA" (AGRICULTURAL) DISTRICT TO "HH" (RESTRICTED COMMUNITY SHOPPING AND COMMERCIAL) DISTRICT, MODIFIED

North	Scale	Reference File No.
	N.T.S.	ZA86-15
	Date	Drawing No.
	OCT. 1987	

EXPLANATION OF PURPOSE AND EFFECT OF

OFFICIAL PLAN AMENDMENT NO. 51 AND

BY-LAW NO. 87-334

1. The Corporation of the City of Hamilton has adopted Amendment No. 51 to the Official Plan of the Hamilton Planning Area to redesignate property on the west side of Upper Sherman Avenue in the area north of Limeridge Road East from "Residential" to "Commercial", as shown on the attached key map. The Amendment has been submitted to the Municipality of Hamilton-Wentworth for approval.

2. The purpose of By-law No. 87-334 is to provide for a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District, modified, for the above-noted property and shown on the attached key map.

   The effect of the By-law is to permit the establishment of a self-serve gasoline service station and a coin operated manual self-serve car wash having six stalls.

   In addition, the By-law provides for the following variances:

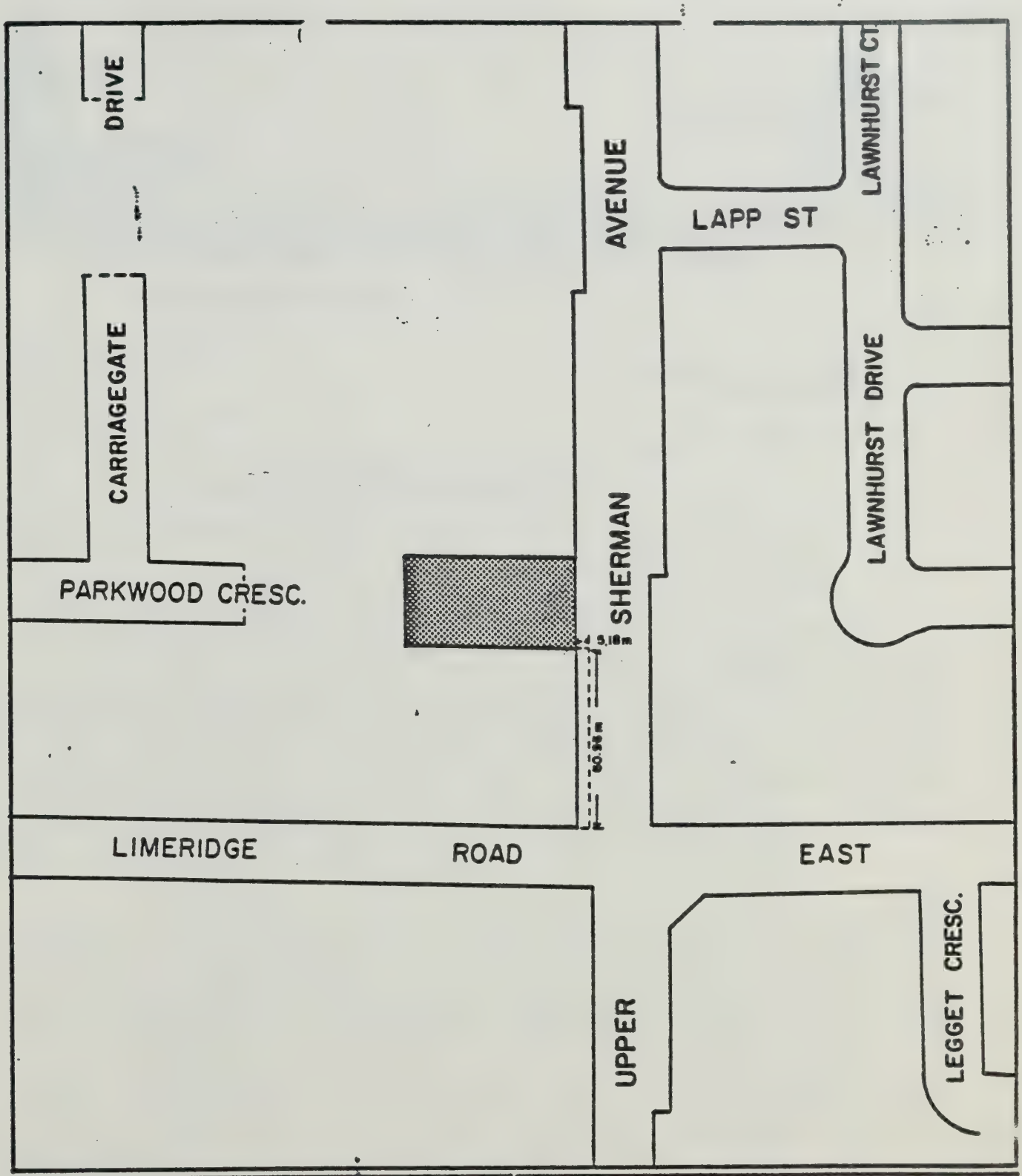
   - to permit a minimum front yard of 3.0 m, whereas the By-law required a minimum front yard of 12.0 m;
   - to permit a minimum side yard of 3.0 m, whereas the By-law required a minimum side yard of 4. 5 m;
   - to permit a minimum building setback of 3.0 m from the southerly and westerly lot line, whereas the By-law requires a minimum building setback of 6.0 m; and,
   - to permit the two vacuum cleaning machines to be located within 2.3 m of the northerly side lot line, whereas the By-law requires a minimum setback of 3.0 m.

3. Only the property referred to above and shown on the attached map is affected by the By-law. However, all owners of property located within 120 metres (400 ft.) of the property affected by the By-law are required to be notified.

E A Lampson

City Clerk
City Hall, Hamilton, Ontario

AZ:jd
WPDOC 0447P
ZA-86-15



CITY OF HAMILTON

KEY MAP

TO BY-LAW Nº 87-334.

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

CHANGE IN ZONING FROM "AA" (AGRICULTURAL) DISTRICT TO "HH" (RESTRICTED COMMUNITY SHOPPING AND COMMERCIAL) DISTRICT, MODIFIED.

North	Scale	Reference File No.
	N. T. S.	ZA86 - 15
	Date	Drawing No.
	OCT. 1987	

CITY COUNCIL
HAMILTON, CANADA

Alderman Henry Merling
Chairman — Transport & Environment Committee

71 MAIN STREET WEST L8N 3T4 • (416) 526-2730 • RES. (416) 389-5903 — WARD 7

December 29th, 1987

Mr. E. A. Simpson
City Clerk

Dear Mr. Simpson:

RE: ZONING BY-LAW NO. 87-334

I am writing to register my formal objection to the approval of the abovenamed by-law, by City Council.

I am enclosing a copy of the minutes of the April, 1986 meeting of the City's Planning and Development Committee, Item 12, in which the following recommendation is recorded:

> "... moved by Alderman Hinkley, seconded by Alderman Merling and carried that the Zoning Application be tabled in order to give the Alderman of the ward an opportunity to contact the developer of the new subdivision at the rear of the subject lands to obtain the names of persons who recently purchased lots as they do not appear on the last revised assessment roll for circularization purposes. Alderman Merling will advise the Planning Department when he wishes to reconvene a public meeting on this application."

I respectfully submit to you that the conditions of the above recommendation were never adhered to. I had previously notified Planning Department staff that I have not as yet been successful in convening a meeting of adjacent property owners, since most of them were in the process of building their homes. Furthermore, the item was rescheduled in my absence and was never lifted off the table. As the minutes of the October 14th, 1987 meeting confirm I was out of town on City business, followed by vacation time, and I was not able to be present at the meeting. Planning Department staff, with specific instructions and <u>without my knowledge</u> went ahead and dealt with the item and <u>AGAIN</u> about 25 residents were not notified of the meeting.

I do not feel that proper procedure was followed in this matter and I intend to voice my concerns at Council. In the meantime, I am registering my official objection to the passage of this by-law.

Sincerely,

Henry Merling

Henry Merling
Alderman, Ward 7

Copy to: D. Abraham - Planning
P. Hooker - Solicitor
Ald. Merling
Ald. Gallagher

CITY COUNCIL
HAMILTON, CANADA

Alderman Henry Merling
Chairman — Transport & Environment Committee

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I do not feel that proper procedure was followed in this matter and I intend to voice my concerns at Council. In the meantime, I am registering my official objection to the passage of this by-law.

Sincerely,

Henry Merling

Henry Merling
Alderman, Ward 7

Copy to: G. Abraham - Planning
P. Hooker - Solicitor
Ald. Merling
Ald. Collins

EXPLANATORY NOTE:

The purpose of the By-law is to provide a change in zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District for the rear portion of the property located at No. 824 Fennell Avenue East, shown on Block "1" on the attached map marked as Appendix "A".

The effect of the By-law is to provide uniform commercial zoning on the subject property and permit an addition to the existing Speedy Muffler King Shop.

The subject property has also been made subject to Site Plan Control.

12. Zoning Application ZA-86-15, A. Kumar, owner for a change in zoning from "AA" and "D" to "HH" for property on the west side of Upper Sherman Avenue in the area north of Limeridge Road East; Thorner Neighbourhood.

A public meeting was held to consider a request for a change in zoning from "AA" (Agricultural) District and "D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District to "HH" (Restricted Community Shopping and Commercial) District for the lands located on the west side of Upper Sherman Avenue in the area north of Limeridge Road East. The purpose of the application is to permit development of the subject lands for a self-serve gasoline station and a self-serve car wash, having six stalls.

Results of the circularization were reported as follows:

79 Notices mailed out 2 received in favour 2 opposed

The Committee was in receipt of a report of the Planning Department dated 1986 April 7, recommending that Zoning Application 86-15 be denied for the following reasons:

(1) The proposal is incompatible with existing and future intended land uses in the surrounding area.

(2) The proposal would prejudice the future development of the adjoining lands to the west which are designated for "Single and Double", residential in the approved Thorner Neighbourhood Plan.

The report also noted that from a land use perspective, discontinuance of the legal non-conforming auto body repair shop is desirable. Therefore, the Planning Department would be in support of an amended application for a modification in zoning to permit the redevelopment of the existing auto body shop for neighbourhood commercial uses such as:

(a) a barber shop or hairdressing establishment

(b) a bank

(c) a drycleaning establishment

(d) a neighbourhood convenience store

(e) a business, professional person or medical office or,

(f) a service station

Should the applicant wish to proceed with redevelopment of the site for neighbourhood commercial uses, a revised zoning application should be submitted.

Ms. Victoria Hollingworth of 1098 Upper Sherman Avenue appeared before the Committee in opposition to the application. She explained that the drainage ditch or storm drain that runs along the subject property is always littered with garbage and debris and that the property in general is unkempt.

Alderman Merling advised that the property owners of 1102 and 1106 Upper Sherman Avenue are also opposed to the application. He stated that he favours the suggestion of the Planning Department that a revised zoning application should be submitted by the applicant for neighbourhood commercial uses.

The applicant addressed the Committee explaining that he has owned the property for eight (8) years. The proposed development will improve the overall appearance of the property and will involve an investment of approximately $400 000. He also explained that he spent over $20 000., over two years ago to improve the appearance of the property.

It was noted that the owners of lots in the new subdivision at the rear of the subject lands are not aware of the proposed development as they were not included in the circularization because their names did not appear on the last revised assessment roll.

Alderman Merling stated that he would support an amended application for a modification in the zoning to permit a car wash only.

The applicant stated that a car wash would not be acceptable as the proposed development as suggested by Alderman Merling would not be financially viable in that the intensity of use would be reduced because of its proximity of other car washes in the area.

After consideration it was moved by Alderman McCulloch, seconded by Alderman Ross that the Zoning Application be approved subject to the following amendments and conditions.

(a) That the applicant not be required to relocate the gasoline pump.

(b) That the rear property line be compatible with the rear property line of the residential lots in the D/S-493 Zoning to the North of the subject lands.

(c) That there be no compromise on the depth of the rear yard.

Motion lost on a vote of 3 to 5.

It was subsequently moved by Alderman Hinkley, seconded by Alderman Merling and carried that the Zoning Application be

tabled in order to give the Alderman of the Ward an opportunity to contact the developer of the new subdivision at the rear of the subject lands to obtain the names of persons who recently purchased lots as they do not appear on the last revised assessment roll for circularization purposes. Alderman Merling will advise the Planning Department when he wishes to reconvene a public meeting on this application.

13. Zoning Application ZA-86-14, Novoco Enterprises Ltd. and M. Pestana-Roca and L. Pestana-Roca, owners, for a change in zoning from "R-4" to "C" for lands on the west side of Upper Paradise Road and Megna Court, Gurnett Neighbourhood.

A public meeting was held to consider a request for a change in zoning of lands on the West side of Upper Paradise Road in the area north of Megna Court.

Block 1 - Change in zoning from "R-4" (Small Lot Single-Family Detached) District to "C" (Urban Protected Residential, etc.) District;

Block 2 - Change in zoning from "R-4" (Small Lot Single-Family Detached) District, modified, to "C" (Urban Protected Residential, etc.) District.

The purpose of the proposed change in zoning is to develop the subject land for single-family detached dwellings.

Results of the circularization were reported as follows:

223 Notices mailed out 15 received in favour 2 opposed

The Committee was in receipt of a report of the Planning Department dated 1986 March 27 recommending that the application be approved.

After consideration, the Committee agreed to approve the application and submit the following recommendation to City Council as outlined in the report of the Planning Department dated 1986 March 27

That approval be given to Zoning Application 86-14, Novoco Enterprises Limited and Manuel Pestana-Roca and Lucy Pestana-Roca, owners, requesting a change in zoning from "R-4" (Small Lot Single-Family Detached) District to "C" (Urban Protected Residential, etc.) District for property located on the west side of Upper Paradise Road in the area north of Megna Court, as shown on the attached map marked as APPENDIX "B" on the following basis:

i) That the lands shown as Block "1" be rezoned from "R-4" (Small Lot Single-Family Detached) District to "C" (Urban Protected Residential, etc.) District;

ii) That the lands shown as Block "2" be rezoned from "R-4" (Small Lot Single-Family Detached) District, modified, to "C" (Urban Protected Residential, etc.) District.

Wednesday, 1987 October 14
2:00 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Alderman D. Ross, Vice-Chairman
Mayor Robert M. Morrow
Alderman D. Christopherson
Alderman W. McCulloch
Alderman T. Cooke
Alderman B. Hinkley

Regrets: Alderman H. Merling - Vacation

Also present: Alderman J. Gallagher
Alderman T. Murray
Mr. V. Abraham, Director of Local Planning
Mr. P. Lampman, Building Department
Mr. L. Harvey, Building Department
Ms. M. Germann, Building Department
Mr. K. Kiernan, Chief Fire Prevention Officer
Mr. K. Brenner, Engineering Department
Mr. E. Kowalski, Director of Community Development
Mr. R. Karl, Traffic Department
Ms. J. Hickey, Planning Department
Mr. D. Oikawa, Planning Department
Mrs. S. K. Reeder, Acting Secretary

Minutes - 1987 Sept 1987 Sept

It was moved by Alderman Hinkley, seconded by Alderman McCulloch and carried to adopt the minutes of the meetings of the Planning and Development Committee held on Wednesday, 1987 September 16 and Tuesday, 1987 September 29.

Petition Delta Ta Church

The Committee was in receipt of a petition from area residents regarding the Delta Tabernacle Church at King Street East and Rosslyn Avenue South. It was indicated to the Committee that this item need not be discussed as the concerns expressed in the petition have been resolved.

Alderman Hinkley raised questions on where this petition originated from and following further discussion on this matter, it was agreed that the Mayor would respond to the concerns expressed by the people who signed the petition.

Canadian and Hous Studies Conferen

The Committee was in receipt of information forwarded to them from the Mayor respecting the Canadian Urban and Housing Studies Conference to be held 1988 February 18 - 20, The University of Winnipeg, Manitoba.

The Committee approved the following recommendation:

> That the Chairman of the Planning and Development Committee or his designate be authorized to attend the Canadian Urban and Housing Studies Conference to be held 1988 February 18-20, University of Winnipeg, Manitoba.

Task Fo: Lot Gra

Some discussion ensued on the recently formed Task Force on Lot Grading. General concern was expressed by the Committee members that the Planning and Development Committee should be officially appointing the members to this Task Force.

MARZ HOMES LTD
THE DOOR TO FINE QUALITY

December 22, 1987.

RECEIVED
DEC 23 1987
CITY CLERKS

Mr. E. A. Simpson,
The Clerk of the City of Hamilton,
71 Main Street West,
Hamilton, Ontario.

Dear Mr. Simpson:

RE: Official Plan Amended 51
Zoning By-law No. 87-334

I did not receive a letter with regards to the public meeting for the proposed by-law mentioned above. However, I did receive a letter notifying me of the proposed by-law 87-334. I am hereby registering my firm objection to this proposed by-law 87-334 for the following reasons.

1. Marz Homes recently registered Sherman Oaks Subdivision Phase IV 62M-512 which is at the rear of the above mentioned property. Block 14 is zoned residential and serviced for two future lots that would be created when and if the rear portion of the property being rezoned were to be severed. If the proposed rezoning is allowed to proceed, part of our block 14 could not be used as residential land as it is zoned.

2. The proposed rezoning is not in keeping with the general residential characteristics of the area and Sherman Oaks Subdivision.

3. I personally do not feel that a commercial development (ie. noisy car wash) should be allowed next door to so many residential homes.

Yours truly,

MARZ HOMES LIMITED

J. M. Venditti, P. Eng.

JMV:bt
Copy: C. Graham, Planning
P. Hooker, City Solicitor
ald. Merling
ald. Gallagher

115 #8 Highway, Stoney Creek, Ontario L8G 1C1 (416) 662-3039

Hamilton, Ontario
December 28, 1987

Mr. E. A. Simpson,

City Clerk,
City of Hamilton,
City Hall,
Hamilton, Ontario.

RE: PROPOSED BY LAW 87-334

Dear Sir;

I recently purchased a home in Sherman Oaks. I moved into my home during the month of October 1987 and I did not receive any notification of these proposals.

I am absolutely opposed to the proposal by-law (87-334). I have reviewed the planning reports and find the proposal which requires an intrusion of eighty feet (80 feet) into the Sherman Oaks development, as well as the other considerations (setbacks, rezoning from AA to HH, etc.) totally unacceptable.

Yours truly,

Helen Cornelius
Jennifer Cornelius

290 PARKWOOD

DEC 29 1987

COPY SENT TO: V. Abraham
Planning Department
Dec. 29/87 - JC

Copy to: Mr. P. Hooker
ald. Merling
ald. Gallagher

Hamilton, Ontario
December 28, 1987

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City Clerk,
City of Hamilton,
City Hall,
Hamilton, Ontario.

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Yours truly,

Christine Sylvester
282 PARKWOOD CRES.

Copy to: Mr. P. Hooker
ald. Merling
ald. Gallagher

DEC 29 1987 KS

COPY SENT TO: V. Abraham
Planning Department

Dec. 29/87. JC.
Copy to: P. Hooker - Schuiter
ald. Gallagher
ald. Merling

Hamilton, Ontario
December 28, 1987

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City Clerk,
City of Hamilton,
City Hall,
Hamilton, Ontario.

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Yours, truly,

294 PARKWOOD CRES
388-4486

DEC 29 1987

COPY SENT TO: V. Abraham
Planning Department

Dec. 29/87 - J C.

KD - Copy to: Mr. P. Hoch
ald. Merling
ald. Gallagher

Hamilton, Ontario
December 28, 1987

Mr. E. A. Simpson
City Clerk
City of Hamilton
City Hall
Hamilton, Ontario

RE: PROPOSED BY-LAW 87-334

Dear Sir:

I am objecting to the passing of by-law #87-334 permitting a self serve gas station and car wash.

The by-law conflicts with the intent of the Thorner Neighbourhood Plan and is not compatible with the existing land uses of single family and semi-detached homes.

Yours truly,

Victoria J. Hollingsworth

1098 Upper Sherman Ave.

COPY SENT TO: V. Abraham
Planning Department
Dec. 29/87 jc

DEC 29 1987

Copy to: Mr. P. Hooker
ald. Merling
ald. Gallagher

Hamilton, Ontario
December 28, 1987

Mr. E. A. Simpson
City Clerk
City of Hamilton
City Hall
Hamilton, Ontario

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Yours truly,

Pam Smith
1102 Upper Sherman

COPY SENT TO: V. Abraham
Planning Department
Dec. 29/87-JC

Copy to: Mr. P. Hooker
ald. Merling
ald. Gallagher

DEC 29 1987

Hamilton, Ontario
December 28, 1987

Mr. E. A. Simpson
City Clerk
City of Hamilton
City Hall
Hamilton, Ontario

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Yours truly,

P. Smith
110 Upper Sherman

COPY SENT TO: V. Abraham
Planning Department
Dec 29/87

Copy to. Mr. P. Hooker
a Ld. Merling
a Ld. Gallagher

DEC 29 1987 KV

Hamilton, Ontario
December 28, 1987

Mr. E. A. Simpson,
City Clerk,
City of Hamilton,
City Hall,
Hamilton, Ontario.

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I am absolutely opposed to the proposal by-law (87-334). I have reviewed the planning reports and find the proposal which requires an intrusion of eightyfeet (80 feet) into the Sherman Oaks development, as well as the other considerations (setbacks, rezoning from AA to HH, etc.) totally unacceptable.

Yours truly,

Wyeliff Clarke
E-M. Clarke
281 Parkwood Cres.
L8V 5B5

COPY SENT TO: V. Abraham
Planning Department
Dec. 29/87. JC

DEC 29 1987

Copy to: Mr. P. Hooker
ald. Merling
ald. Gallagher

Hamilton, Ontario
December 28, 1987

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City of Hamilton,
City Hall,
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Yours truly,

John D[illegible]
Priscilla Duncan

285 PARKWOOD CRES.

COPY SENT TO: V. Abraham
Planning Department Dec. 29/87 JC

DEC 29 1987

Copy to: Mr. P. Hooker
Ald. Merling
Ald. Gallagher

Hamilton, Ontario
December 28, 1987

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City Clerk,
City of Hamilton,
City Hall,
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Yours truly,

W. K[illegible]
286 Parkwood Cres.

Copy to: Mr. P. Hooker
ald. Merling
ald. Gall[illegible]

DEC 29 1987 KS

COPY SENT TO: V. Abraham
Planning Department
Dec 29/87 - JC

FOR ACTION

FROM Planning and Development Department DATE September 28, 1987

TO Planning and Development Committee Refer to File No. ZA-86-15 THORNER NEIGHBOURHOOD

Attention Of V. J. Abraham

Second Report

SUBJECT

Request for a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District for the lands located on the west side of Upper Sherman Avenue in the area north of Limeridge Road East. The purpose of the application is to permit development of the subject lands for a self-serve gasoline station and a self-serve car wash, having six stalls.

RECOMMENDATION

1. That Zoning Application ZA-86-15, Ashok Kumar, owner, requesting a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District, to permit a self-serve gasoline station and car wash, for the lands located on the west side of Upper Sherman Avenue in the area north of Limeridge Road East, shown on the attached plan marked as APPENDIX "A", be denied for the following reasons:

   a) The proposal is incompatible and would conflict with existing and proposed development in the surrounding area comprised primarily of single-family and two-family dwellings;

   b) The proposal to extend the commercial use by 24.384 m (80.0 ft.) into a new subdivision development represents an undesirable intrusion of a commercial use into the residential area. In this regard, the proposed car wash bays, vacuum cleaning machines and the parking and manoeuvring area would directly abut the side yard of one of the new lots in the subdivision development.

   c) The proposal represents an over-intensification of land use, in that it would necessitate numerous variances to the supplementary requirements of Zoning By-law No. 6593 for service stations and car washes.

2. That consideration be given to an amended zoning application to establish a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for the rear 24.384 m (80.0 ft.) portion of the site, and to "G" (Neighbourhood Shopping Centre, etc.) District, modified for the balance of the holding fronting onto Upper Sherman Avenue to permit:

- a barber shop or hairdressing establishment;
- a bank
- a dry cleaning establishment
- a neighbourhood convenience store; or,
- a business, professional person or medical office.

Should the applicant decide to amend the application on the basis of the foregoing, it will be necessary to recirculate the application.

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Ashok Kumar, owner

LOT SIZE AND AREA

The lands have a total:

- frontage of 30.48 m (100.00 ft.) on Upper Sherman Avenue;
- depth of 56.97 m (183.0 ft.); and,
- area of 1,699.87 m^2 (18,297.84 sq.ft.).

LAND USE AND ZONING

	EXISTING LAND USE	EXISTING ZONING
Subject Lands	Gas bar and auto body shop	"AA" (Agricultural) District
Surrounding Lands		
to the north	semi-detached dwellings	"D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District
to the south	single family dwellings	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District

to the east	single family dwellings	"C" (Urban Protected Residential, etc.) and "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District
to the west	vacant lands and single-family dwellings	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District

OFFICIAL PLAN

Designated "Residential" on Schedule "A", the proposal does not comply. Approval of the proposal would require an Official Plan Amendment to redesignate the subject lands from "Residential" to "Commercial".

NEIGHBOURHOOD PLAN

Designated "Single and Double" Residential on the approved Thorner Neighbourhood Plan. An amendment to redesignate the subject lands to "Commercial" would be required if the application is approved.

RESULTS OF CIRCULARIZAION

- The Building Department have advised that the zoning is subject to Sections 14A(1)(d), 14(1)(xviia), and Section 18(3)(ivd) and (ivc) of Zoning By-law No. 6593
- The Traffic Department, The Hamilton-Wentworth Engineering Department and the Hamilton Region Conservation Authority have no comments or objections.

BACKGROUND

- The property located at No. 1094 Upper Sherman Avenue is currently an existing legal non-conforming auto body repair shop. It is the applicants intention to redevelop the site in accordance with the attached site plan (see APPENDIX "B") to permit:
    - a self-serve gas bar;
    - a coin-operated manual car wash, having six stalls; and,
    - an office/kiosk in the same building with the car wash stalls.
- On April 9, 1986, the Planning and Development Committee tabled the application at the request of Alderman Merling to obtain the names of the persons who recently purchased the lots in the new subdivision, west of the subject lands so they may be contacted for the public meeting.

- On January 25, 1987, Mr. Kumar sent a letter to the Planning Department requesting that his application be amended, as the owner of lands abutting to the north which were to be part of a land exchange with the applicant for development of this site, were sold for residential purposes which altered the proposed site configuration.

- On February 13, 1987, the Planning Department sent a letter to Alderman Merling requesting direction regarding rehearing of the application.

- On April 29, 1987, the Planning Department sent a second letter requesting further direction of this matter.

- On August 20, 1987, the applicants solicitor, John Z. Olenski, wrote to the Planning Department requesting that the item be reheard at the earliest opportunity.

COMMENTS

1. The proposal does not comply with the Official Plan, and would require an amendment to redesignate the subject lands from "Residential" to "Commercial".

2. The proposal conflicts with the intent of the Thorner Neighbourhood Plan which designates the subject property as "Single and Double" Residential. Approval of the proposal would require a redesignation of the subject lands to "Commercial".

3. Although the proposal may be less offensive than the existing auto body repair shop, the proposal cannot be supported for the following reasons:

    - It would be incompatible and out of character with existing and proposed development in this area comprised primarily of single-family and two-family dwellings.

    - It represents an undesirable intrusion of a commercial use into a new subdivision development. In this regard, the side yard of Lot 13 on Registered Plan M-5R (Sherman-Oakes, Phase 4) would overlook the area to be occupied by the 6 car wash bays, the 2 vacuum cleaning machines and the area used for parking and manoeuvring.

    - It represents an overintensification of land use in that the preliminary site plan submitted with the application would require the following variances:

        i) a front yard of a depth of at least 6.0 m (19.69 ft.), whereas a front yard of at least 12.0 m (39.37 ft.) is required (Section 14A(3)(a));

        ii) a side yard of a width of at least 3.0 m (9.84 ft.) along the southerly lot line, whereas a side yard of at least 4.5 m (14.76 ft.) is required (Section 14A(3)(b));

iii) a rear yard of a depth of at least 3.0 m (9.84 ft.), whereas a rear yard of at least 6.0 m (19.69 ft.) is required (Section 14A(3)(c));

iv) a minimum 3.0 m (9.84 ft.) building setback from the adjoining residential districts along the southerly and westerly lot lines, whereas a minimum building setback of 6.0 m (19.69 ft.) is required (Section 18(3)(ivc)(a), 18(3)(ivd) and 18(3)(ive)(b)); and,

v) a sign and gasoline pump would be located 6.0 m (19.69 ft.) from a street line, whereas a minimum 12.0 m (39.37 ft.) setback is required (Section 18.(3)(ivc)(e) and 18.(ive)(c)).

In view of the above, it is not compatible with existing land uses in the surrounding area which includes single-family and semi-detached dwellings.

4. From a land use perspective, discontinuance of the legal non-conforming auto body repair shop is desirable. Therefore, it would be appropriate to support a modification in zoning to permit the redevelopment of the front portion of the site occupied by the existing auto body shop for neighbourhood commercial uses such as:

- a barber shop or hairdressing establishment;
- a bank;
- a dry cleaning establishment;
- a neighbourhood convenience store; or,
- a business, professional person or medical office.

The rear 24.384 m (80.0 ft.) of the site should be appropriately rezoned to "C" (Urban Protected Residential, etc.) District and developed for single-family dwelling in conjunction with the Sherman Oaks Phase 4 draft plan of subdivision.

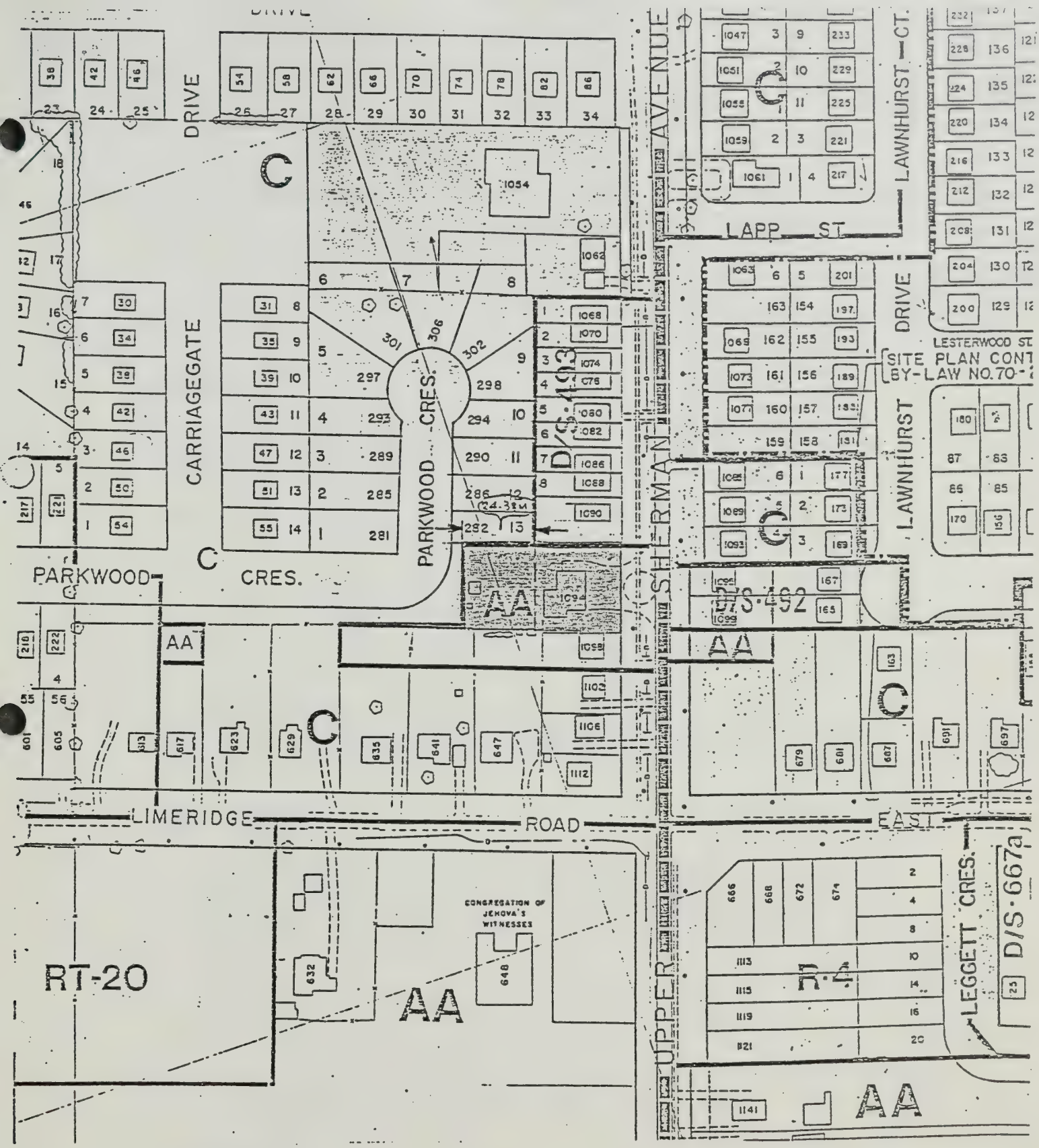
Should the applicant wish to proceed with redevelopment of the site for neighbourhood commercial uses, a revised zoning application should be submitted.

CONCLUSION

Based on the foregoing, the proposal cannot be supported.

GAW/jd

WP DOC 0420P



LEGEND

SITE OF APPLICATION

ZA86-15

APPENDIX A

14.(A.)

FOR ACTION

FROM: Planning and Development Department

DATE: November 27, 1987

TO: Planning and Development Committee

REFER TO FILE NO: ZA-87-112

Eleanor Neighbourhood

Attention of: V. J. Abraham

SUBJECT

Request for a change in zoning for properties at Nos. 1610, 1614, 1620 and 1626 Upper Gage Avenue as shown on the attached map marked as APPENDIX "A" on the following basis:

Block 1 - Change from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

Block 2 - Change from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District;

Block 3 - Change from "C" (Urban Protected Residential, etc.) District to "E-2" (Multiple Dwellings) District.

The purpose of the proposed changes in zoning is to permit development of Block 1 for single-family dwellings, and development of Blocks 2 and 3 for multiple dwellings (Townhouse or Apartments).

RECOMMENDATION

1. That approval be given to Zoning Application ZA-87-112, H.C. Harnden and H. A. Anderson, owners, and prospective owners, for a change in zoning for properties at Nos. 1610, 1614, 1620 and 1626 Upper Gage Avenue as shown on the attached map marked as APPENDIX "B", on the following basis:

   i) That the lands described as Block 1 be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

   ii) That the lands described as Block 2 be rezoned from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District;

Section (i) APPROVED by City Council 1988 Jan. 12

Section (ii) TABLED 1987 Dec. 9

Section (ii) TABLED 1987 Dec. 9

iii) That the lands described as Block 3 be rezoned from "C" (Urban Protected Residential, etc.) District to "E-2" (Multiple Dwellings) District;

iv) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map E-38D;

v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;

vi) That the Eleanor Neighbourhood Plan be amended by changing the south-west corner of Block 2 on APPENDIX "A" from "Medium Density Apartments" to a "Single and Double" residential land use designation, and by realigning the proposed neighbourhood collector road at this location to accommodate a 90° turn.

EXPLANATORY NOTE

The purpose of the by-law is to provide for the following changes in zoning for property located at Nos. 1610, 1614, 1620 and 1626 Upper Gage Avenue, as shown on the attached map marked as APPENDIX "B" on the following basis:

Block 1 - Change from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

Block 2 - Change from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District;

Block 3 - Change from "C" (Urban Protected Residential, etc.) District to "E-2" (Multiple Dwellings) District.

The effect of the by-law is to permit development of the subject lands for single-family dwellings (Block 1) and multi-family dwellings (townhouses or apartments on Blocks 2 and 3).

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Hilliard Clark Harnden and Helen Ann Anderson, owner and prospective owner.

LOT SIZE AND AREA

- 74.98 m (246.0 ft.) of lot frontage on Upper Gage Avenue;
- 130.75 m (429.0 ft.) of lot depth; and,
- 9,8041.1 m^2 (105,534 sq. ft.) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject lands	Occupied by four single-family dwellings	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District
Surrounding Lands		
To the north	Single-family Dwellings	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District
To the south	Vacant lands, a Single-Family Dwelling and a Restaurant	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
To the east	Vacant Lands	"G" (Neighbourhood Shopping Centre, etc.) District
To the west	Vacant Lands	"AA" (Agricultural) District

OFFICIAL PLAN

Designated "Residential", the proposal complies.

NEIGHBOURHOOD PLAN

Designated as follows on the approved Eleanor Neighbourhood Plan:

Block 1 and the south-west corner of Block 2	"Single and Double" Residential
Balance of Block 2 and Block 3	"Medium Density Apartments

The proposal would involve an amendment to the approved Eleanor Neighbourhood Plan to redesignate the south-west corner of Block 2 from "Medium Density Apartments" to "Single and Double" residential use. In addition, because the internal neighbourhood collector road (Eaglewood Drive) is being realigned to accommodate a 90° turn, rather than a broad sweeping radius, it is necessary to also amend the approved road pattern at this location.

COMMENTS RECEIVED

- The Building Department, Hamilton Region Conservation Authority, Traffic Department and the Local Architectural Conservation Advisory Committee Staff have no comments or objections.

- The Hamilton-Wentworth Engineering Department has advised that:

  "Public watermains as well as separate storm and sanitary sewers are available to service the subject lands from Upper Gage Avenue. Further services will be available when lands to the west of the subject lands are developed.

  The designated road allowance width of Upper Gage Avenue is 36.58 m (120 ft.). We recommend as a condition of development approval that sufficient lands be dedicated to the Region to establish the property line 18.29 m (60 ft.) from the centre line of the original Upper Gage Avenue road allowance.

  As a condition of development approval, the subject lands should be developed through a satisfactory plan of subdivision since the lands to the rear are designated for street purposes.

  It is also our understanding that the Eleanor Neighbourhood Plan has been modified to reflect a 90° angle in the road system. The zoning boundaries may have to be modified to reflect the revised plan. Should these lands not be developed through a plan of subdivision and agreement, we require that the applicant/owner enter into an agreement with the Region and the City for the dedication of lands or internal roadways to the City and the recovery of municipal servicing costs, etc.

  Any work within the Upper Gage Avenue road allowance, as widened, must conform to the Region's Roads Use By-law.

  The applicant should be advised that the future reconstruction and widening of Upper Gage Avenue may result in the construction of raised concrete median islands. These islands may restrict access to the subject lands."

COMMENTS

1. The proposal complies with the intent of the Official Plan.

2. The proposal does not fully implement the intent of the approved Eleanor Neighbourhood Plan. In this regard, to bring the proposal into conformity, it will require redesignation of the south-west corner of Block 2 as shown on APPENDIX "A" from "Medium Density Apartments" to "Single and Double" Residential use, and as well, an amendment to the approved road pattern at this location.

3. The proposal has merit and can be supported for the following reasons:

   - It complies with the intent of the Official Plan, and except for a minor change in land use and to the road pattern, complies with the intent of the approved Eleanor Neighbourhood Plan;

   - The proposed multiple dwelling blocks are ideally situated at the periphery of the neighbourhood where higher density development is encouraged along the major arterial road system.

   - The site in question is located within close proximity to the intersection of Upper Gage Avenue and Rymal Road East, where higher density development is proposed, and is readily accessible to existing and proposed commercial development and public transit routes.

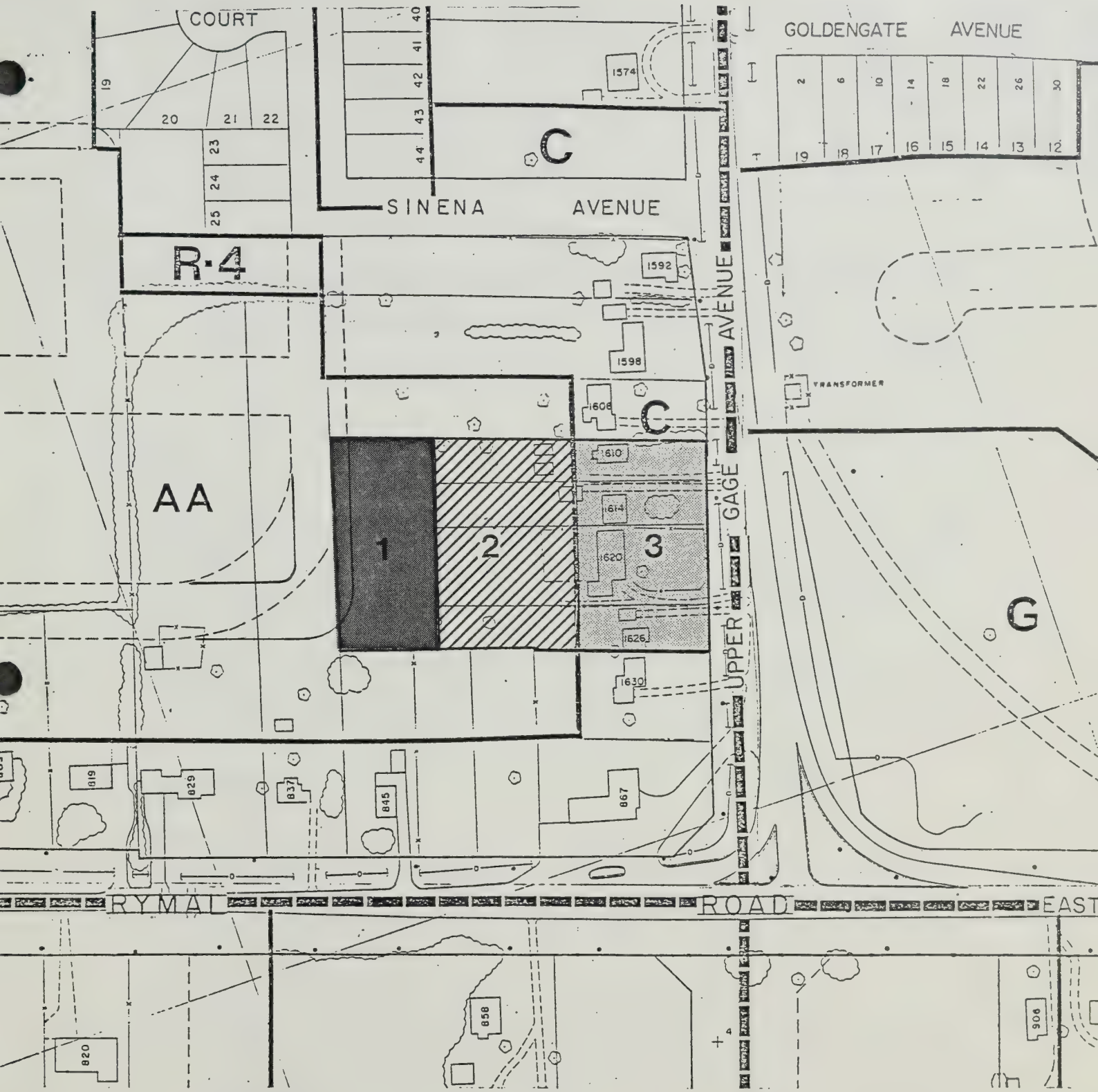
4. The recommended zoning as shown on APPENDIX "B" ("C" for Block 1 and "E-2" for Blocks 2 and 3) would be the appropriate zoning for the proposed development as it would be compatible with the type of development proposed on adjoining lands to the north and south (ZA-87-65) which is for multi-family development. The requested "E-2" zoning would provide the applicant the option of developing the site with either apartments, or townhouses in accordance with the "RT-20" District regulations. In either case, the multiple dwelling blocks are subject to the provisions of Site Plan Control By-law 79-275. In this regard, matters related to parking, landscaping, grading, fencing, access road widenings, etc., can be further regulated at the site plan approval stage of development.

5. In the absence of a preliminary site plan for the proposed multiple residential blocks, the development must comply with the "E-2" District regulations. On the basis of a neighbourhood density calculation of 100 units per gross ha (40 units per gross acre) for medium-density apartment development, the site would yield approximately 75 dwelling units. The maximum building height permitted at this location would be eight storeys or 26.0 m (85.30 ft.).

CONCLUSION

On the basis of the foregoing, the application can be supported.

GAW:CS
Attach.



LEGEND

LANDS FOR WHICH THE FOLLOWING CHANGES IN ZONING ARE PROPOSED:

BLOCK 1 — FROM "AA" (AGRICULTURAL) DISTRICT TO "C" (URBAN PROTECTED RESIDENTIAL, ETC) DISTRICT.

BLOCK 2 — FROM "AA" (AGRICULTURAL) DISTRICT TO "E-2" (MULTIPLE DWELLINGS) DISTRICT.

BLOCK 3 — FROM "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT TO "E-2" (MULTIPLE DWELLINGS) DISTRICT.

ZA-87-112

APPENDIX B

14.(B.)

FOR ACTION

Second Report

FROM: Planning and Development Department

DATE: November 26, 1987

TO: Planning and Development Committee

Refer to File No. SA-87-30
ZA-87-65

Attention V. J. Abraham

SUBJECTS:

1. Application to the Region for approval of a draft plan of subdivision, Regional File No. 25T-87040, City of Hamilton File No. SA-87-30, to establish 17 lots for single-family dwellings, 2 blocks for apartment buildings and 7 blocks for development with abutting lands for future single-family dwellings.

2. Application to the City of Hamilton for approval of a rezoning, File No. ZA-87-65, for a change in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "E-2" (Multiple Dwellings) District and "C" (Urban Protected Residential etc.) District.

RECOMMENDATIONS

1. Subdivision Application

a) That approval be given to Application SA-87-30, 456941 Ontario Limited, owner, to establish a draft plan of subdivision fronting on the north side of Rymal Road East and on the west side of Upper Gage Avenue, subject to the following conditions:

SA87-30 APPROVED by City Council 1988 Jan. 12

1. That approval apply to the plan prepared by A. J. Clarke and Associates, dated August 17, 1987, revised to include a 3.048 m walkway between Rymal Road East and proposed Eaglewood Drive (Block "27"), 2 blocks for 0.3 m reserves (Blocks "28" and "29"), 2 road widening blocks (Blocks "23" and "24"), 2 blocks for development of multiple dwellings (Blocks "25" and "26"), 8 blocks for development in conjunction with adjoining lands and to re-lot and renumber the plan to now show 16 lots and 15 blocks.

2. That the plan not be registered until such time as road access is provided by the extension of Eaglewood Drive from Sinena Avenue to the northerly limit of the subject lands.

3. That the owner acquire sufficient lands to establish all roads to a width of 20 m.

4. That the road allowances and widenings (Blocks 23 and 24) be dedicated as public highways and the walkway be dedicated as a public walkway on the final plan.

5. That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

6. That the final plan conform with the Zoning By-law approved under the Planning Act.

7. That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.

8. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

9. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.

10. That the dead-ends and open sides of the road allowances created by the plan be terminated in 0.3 m reserves to be conveyed to the City of Hamilton and be held by the City until required for the future extension of the road allowances or development of adjacent lands.

11. That Blocks "17" to "22" inclusive and Blocks "30" and "31" be developed only in conjunction with abutting lands.

12. That the owner shall erect a sign in accordance with Section X of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

13. That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

b) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-87-30), 456941 Ontario Limited, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

c) That the Eleanor Neighbourhood Plan be amended to adjust the boundaries between the residential designations and to relocate the walkway to comply with the approved draft plan.

2. Zoning Application

That approval be given to an amended Zoning Application 87-65, Frank Silvestri (In Trust), owner and prospective owner, requesting changes in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) district to "E-2" (Multiple Dwellings) District and "C" (Urban Protected Residential, etc.) District to permit the development of the subject lands for single family dwellings and multiple dwellings for the properties located at Nos. 829 Rymal Road East (in part), 837 Rymal Road East and 1606 Upper Gage Avenue (as shown on the attached map marked as Appendix "A") on the following basis:

i) That Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; Section(i) approved by City Council 1988 Jan. 12

ii) That Blocks "2" and "4" be rezoned from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District; Section(ii) TABLED by P&D

iii) That Blocks "3" and "5" be rezoned from "C" (Urban Protected Residential, etc.) District to "E-2" (Multiple Dwellings) District Section(iii) TABLED by P&D

iv) That Block "6" be rezoned from "AA" (Agricultural) District to "R4" (Small Lot Single Family Detached) District. Section(iv) APPROVED by City Council 1988 Jan. 12.

v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-38D and E-38E;

vi) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

Explanatory Note

The purpose of this By-law is to provide for changes in zoning for the properties located at Nos. 829 Rymal Road East (in part), 837 Rymal Road East and 1606 Upper Gage Avenue (as shown on the attached map marked as Appendix "A"):

Block "1" - Change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District

Blocks "2" & "4" - Change in zoning from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District

Blocks "3" & "5" - Change in zoning from "C" (Urban Protected Residential, etc.) District to "E-2" (Multiple Dwellings) District

Block "6" Change in zoning from "AA" (Agricultural) District to "R4" (Small Lot Single Family) District.

The purpose of the proposed changes in zoning is to permit the development of the subject lands for single family dwellings (Block "1"), and multiple dwellings (Blocks "2", "3", "4" and "5").

Respectfully submitted,

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

V. J. Abraham, M.C.I.P.
Director - Local Planning

BACKGROUND

Owner

456941 Ontario Limited, c/o Frank Silvestri, Hamilton, Ontario.

Surveyor

A. J. Clarke and Associates, Hamilton, Ontario

Location

The lands, comprising 1.535 ha, are located on the north side of Rymal Road East and the west side of Upper Gage Avenue in the Eleanor Neighbourhood, being part of Lot 7, Concession 8, Township of Barton, now in the City of Hamilton.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
to the north	vacant lands of a draft approved subdivision	"R-4" (Small Lot Single-Family Detached) District and "C" (Urban Protected Residential, etc.) District
to the south	single-family dwellings fronting onto Rymal Road	"C" (Urban Protected Residential, etc.) District

to the east	large lot single-family dwellings fronting onto Upper Gage Avenue	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
to the west	vacant rear lands of large lots fronting onto Rymal Road	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District

PROPOSAL

The owner proposes to subdivide the lands into 17 lots for single-family dwellings, 2 blocks for apartment buildings and 7 blocks for development with abutting lands for future single-family dwellings. The lots will be serviced from new streets extending southerly from proposed Eaglewood Drive at the north limit of the lands and the apartment blocks will be serviced from Rymal Road East and Upper Gage Avenue. The minimum lot size proposed has a width of 12.2 m and an area of 372 m^2.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated for "Residential - single and double", "Residential - medium density apartments" and "walkway" uses. Subject to minor adjustment of the boundary between the residential designations on the neighbourhood plan and the inclusion of a walkway block on the draft plan of subdivision, the proposal will comply.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

Zoning - the lands are zoned "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District. An amendment to the Zoning By-law is required to rezone the "AA" District area and part of the "C" District area to appropriate categories.

COMMENTS FROM CIRCULATION

1. Subdivision Application

The following agencies have advised that they have no comment or objection toward the proposal:

Ministry of Municipal Affairs
Ministry of Transportation and Communications
Ministry of the Environment (subject to standard noise conditions for apartment blocks)
Ministry of Natural Resources
Ministry of Citizenship and Culture
Niagara Escarpment Commission
Hamilton Region Conservation Authority
Ontario Hydro, Union Gas, Bell Telephone
City of Hamilton Board of Education
City of Hamilton Traffic Department (subject to provision of road access)
City of Hamilton Building Department (subject to rezoning).

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

"1) The plan be registered after Eaglewood Drive north of the plan is established as a street.

2) The streets be opened to full width of 20 m with 0.3 m Reserve along the open sides.

3) The owner enters into a Regional and a City Subdivision Agreement.

4) Sufficient lands be dedicated for road widening purposes to establish Upper Gage Avenue and Rymal Road to a width of 18.29 m from the centre line of construction.

5) The submitted plan prepared by A. J. Clarke and Associates, dated August 17, is satisfactory to the Department of Engineering.

6) For your information, services will be available up on the Eaglewood Drive north of this subdivision and we do not expect any Regional service cost."

2. Zoning Application

The following have advised that they have no comment or objection:

City Building Department
City Traffic Department
Hamilton-Wentworth Department of Engineering (subject to road widenings)
Hamilton Region Conservation Authority.

COMMENTS

1. This report deals with and includes recommendations in regard to a proposed draft plan of subdivision and proposed amendments to the Zoning By-law to implement the plan.

2. The conformity of the proposal with the Official Plans and the need for Zoning By-law and Neighbourhood Plan amendments is noted.

3. As no part of the subject lands is designated for park and recreational use on the approved neighbourhood plan, it is recommended that the parkland requirement for this subdivision be taken as cash-in-lieu of land.

4. The proposal warrants consideration for the following reasons:

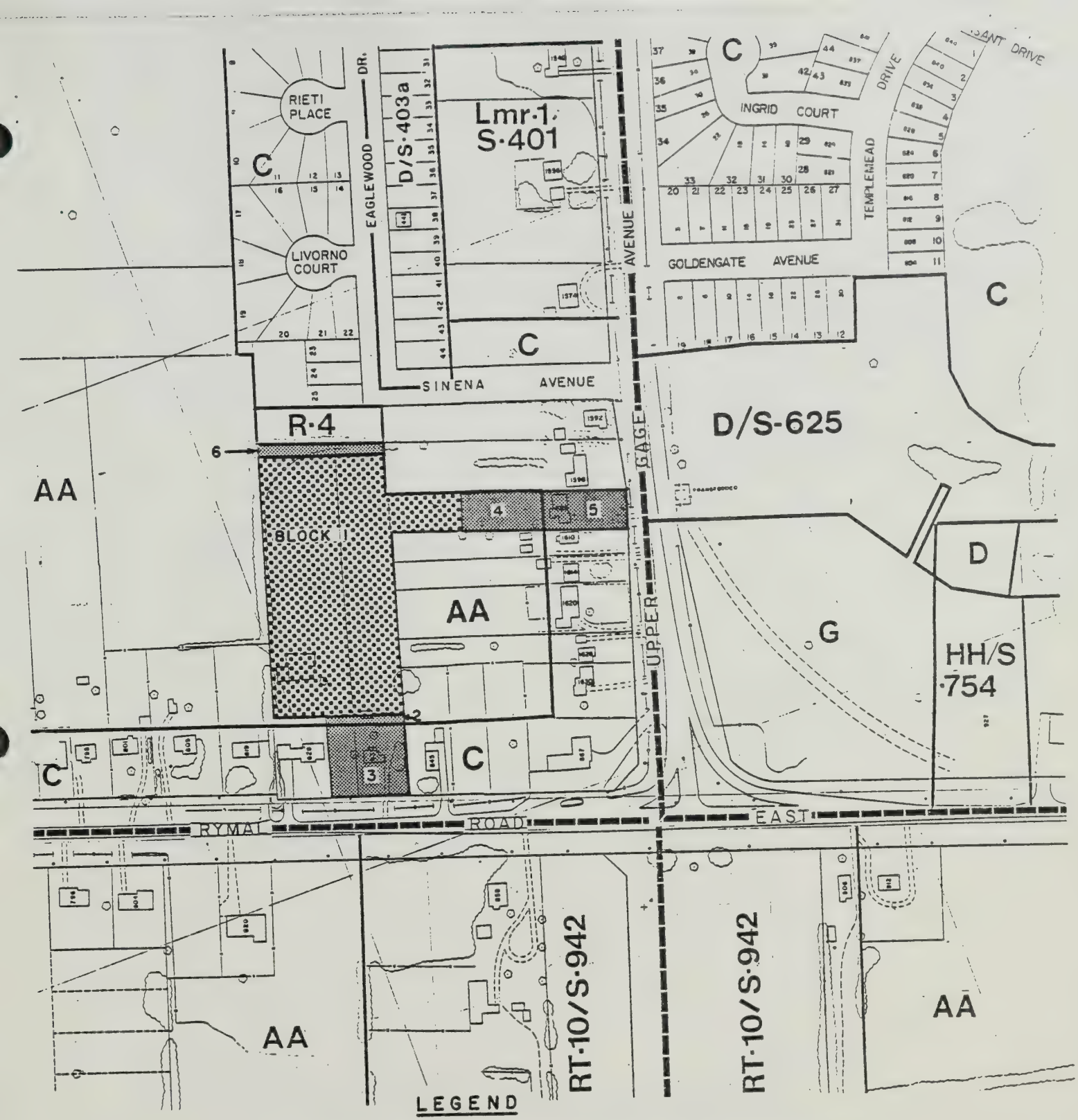
   a) The proposed single-family dwellings and multiple dwellings comply with the intent of the Neighbourhood Plan;

   b) The "E-2" zoning is an appropriate zoning category for the "Medium Density Apartment" designation in the Eleanor Neighbourhood Plan. The lands may be developed on their own or in conjunction with abutting lands.

5. Under the "E-2" District provisions, the lands are subject to Site Plan Control By-law 79-275. Matters such as parking, access, grading, landscaping etc. will be reviewed during the Site Plan process.

6. The proposed changes to the Neighbourhood Plan land use designations and walkway location should be implemented upon approval of the zoning application and the draft plan of subdivison by City Council.

CMD/jd



LANDS FOR WHICH THE FOLLOWING CHANGES IN ZONING ARE PROPOSED:

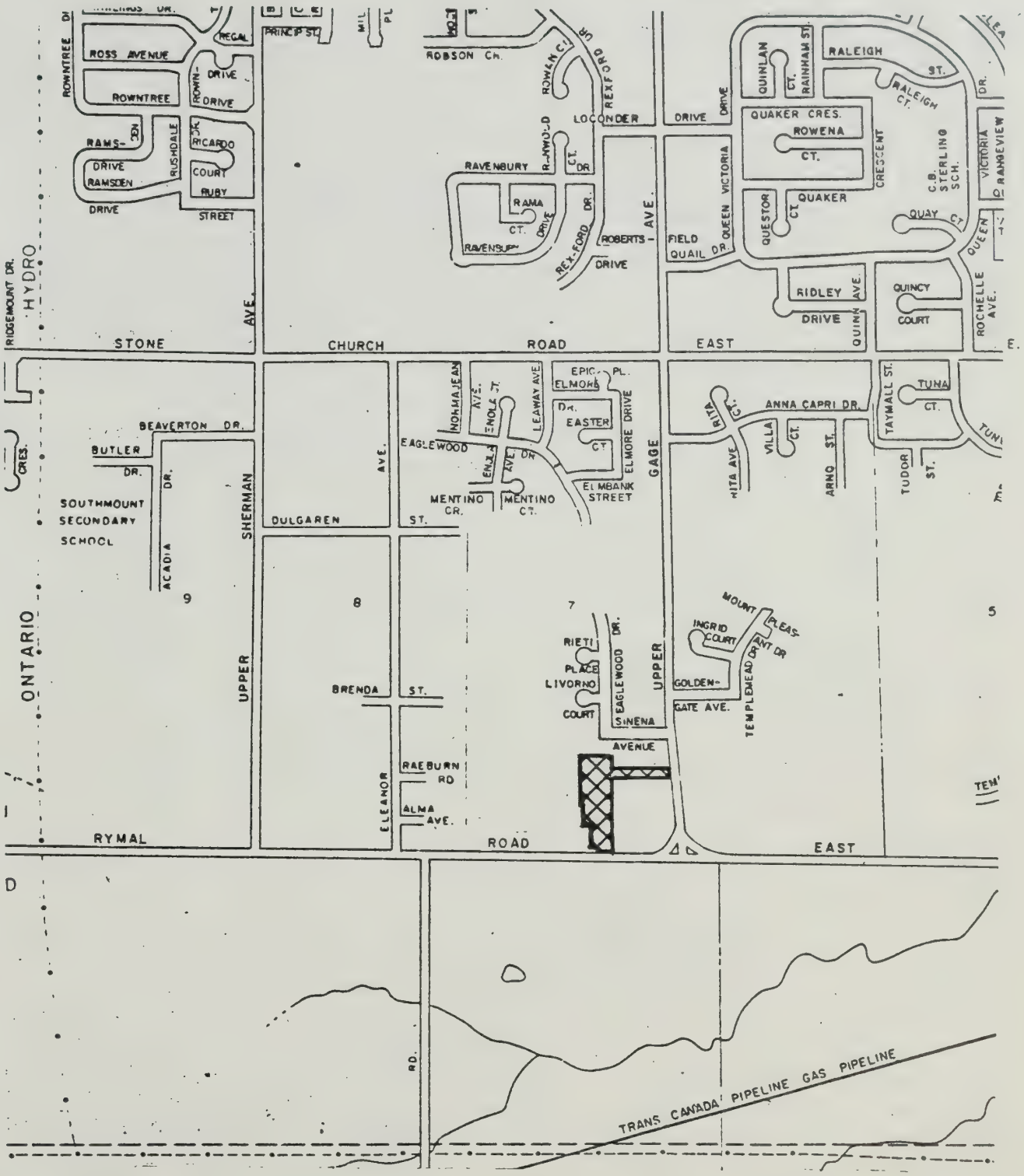
BLOCK 1 — CHANGE IN ZONING FROM "AA" (AGRICULTURAL) DISTRICT TO "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT.

BLOCKS 2 & 4 — CHANGE IN ZONING FROM "AA" (AGRICULTURAL) DISTRICT TO "E-2" (MULTIPLE DWELLINGS) DISTRICT.

BLOCKS 3 & 5 — CHANGE IN ZONING FROM "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT TO "E-2" (MULTIPLE DWELLINGS) DISTRICT.

BLOCK 6 — CHANGE IN ZONING FROM "AA" (AGRICULTURAL) DISTRICT TO "R-4" (SMALL LOT SINGLE FAMILY DETACHED) DISTRICT.

ZA-87-65



Location Plan For

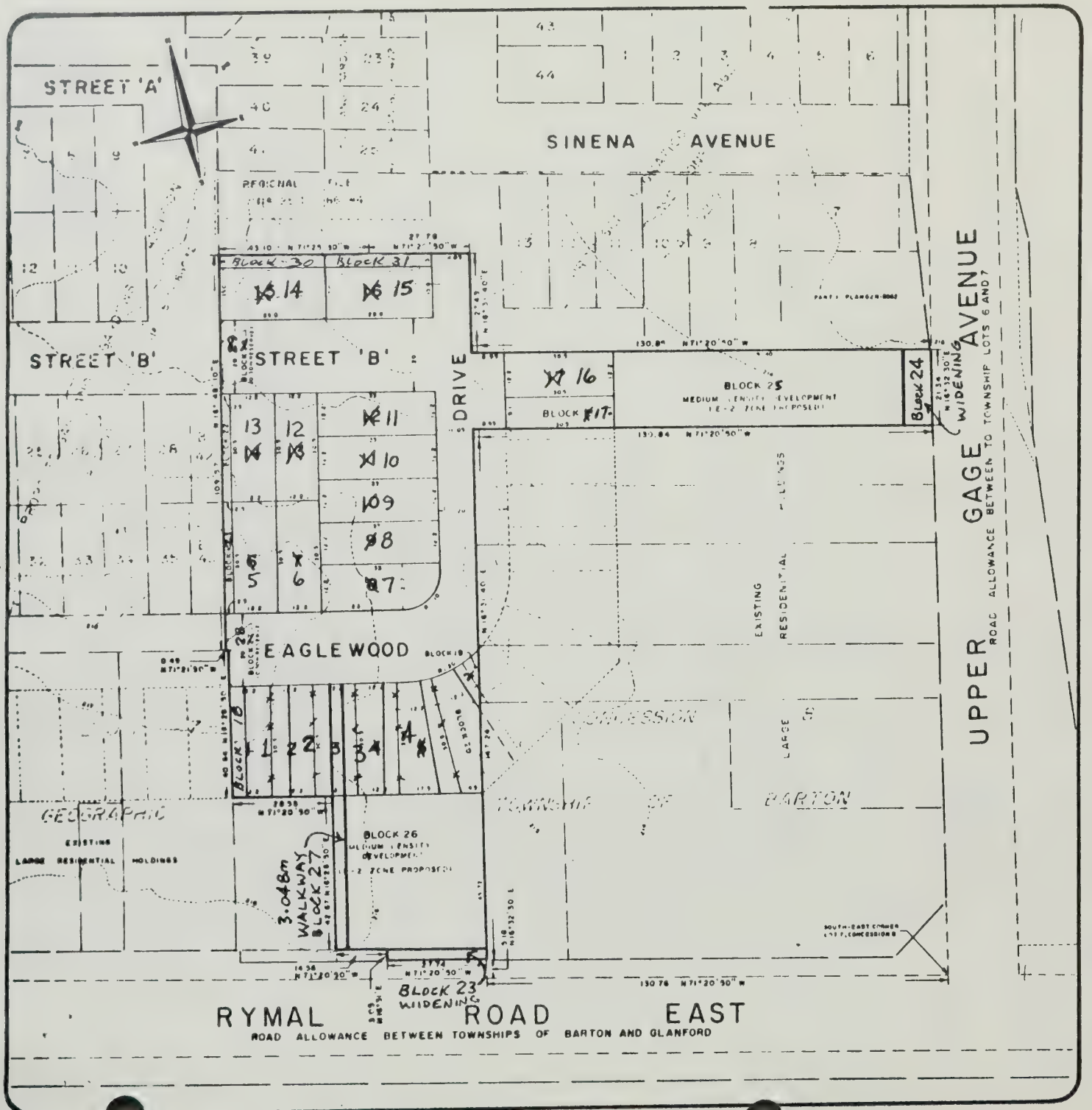
EAGLEWOOD MANOR

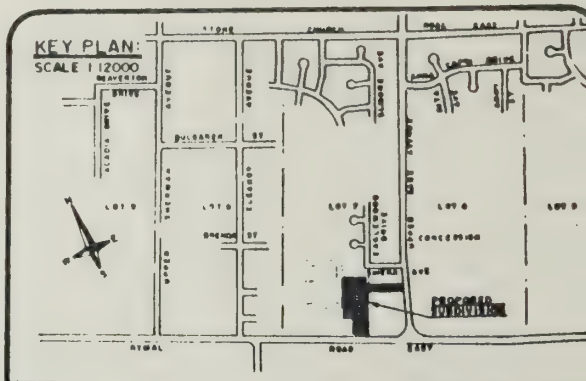
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

PROPOSED SUBDIVISION

North	Scale	Reference File No.
	N. T. S.	25T-87040
	Date AUGUST 20, 1987	Drawing No.





DRAFT PLAN OF:

EAGLEWOOD MANOR

BEING A PROPOSED SUBDIVISION OF
PART OF LOT 7 - CONCESSION 8
GEOGRAPHIC TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE 1:750

A.J. Clarke O.L.S. 1987

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

RE CHAPTER 349 R.S.O. 1980 - SECTION 36(1) THE PLANNING ACT

A SHOWN ON PLAN	G SHOWN ON PLAN
B SHOWN ON PLAN	H MUNICIPAL PIPED WATER AVAILABLE
C SHOWN ON PLAN	I CLAY LOAM
D SEE LAND USE SCHEDULE	J SHOWN ON PLAN
E SHOWN ON PLAN	K MUNICIPAL SERVICES TO BE INSTALLED BY SUBDIVIDER
F SHOWN ON PLAN	L NONE

SURVEYOR'S CERTIFICATE

I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN

AUGUST 17, 1987
DATE

A.J. CLARKE
ONTARIO LAND SURVEYOR

OWNER'S AUTHORIZATION:

WE, [illegible] ONTARIO LIMITED, BEING THE REGISTERED OWNERS OF THE SUBJECT LANDS HEREBY AUTHORIZE A.J. CLARKE AND ASSOCIATES TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO THE REGIONAL MUNICIPALITY OF HAMILTON WENTWORTH FOR THEIR APPROVAL.

AUGUST 13, 1987
DATE

PAUL SILVESTRI
PRESIDENT

LAND USE SCHEDULE:

TOTAL AREA OF SUBDIVISION = [illegible]
LOTS 1 TO 17 PROPOSED SINGLE FAMILY DWELLING LOTS
BLOCKS 18 TO 24 TO BE DEVELOPED IN CONJUNCTION WITH ADJACENT LANDS
BLOCK [illegible] AS PROPOSED MEDIUM DENSITY DEVELOPMENT

NOTE: BEARINGS ARE ASTRONOMIC AND REFERRED TO THE NORTHERLY LIMIT OF RYMAL ROAD EAST ON A COURSE OF N 71°20'50" W AS SHOWN ON PLAN 62 R-0000

A. J. Clarke & Associates
PROFESSIONAL ENGINEERS AND ONTARIO LAND SURVEYORS
HAMILTON, ONTARIO

14.(3)
(i)

SA87-30
ZA87-05

We, the undersigned, residents and property owners of the Eleanor and Templemead neighbourhoods that are effected by the proposed rezoning from "AA" to "E-2" Multiple Dwelling and up to 8-story high rise apartments, are opposing this proposed rezoning at this time.

NAME	ADDRESS	PHONE
Eleanor Hudson	1598 Upper Gage	575 3621
Alena Miller	1574 UPPER GAGE	387 5417.
Roy Miller	" " "	" "
D Sheppard	2 RIETI Dr.	5754861
[illegible]	1580 UPPER GAGE	664-5318
[illegible]	27 SIENA AVE.	664-6539
Irene Cragg	1556 Upper Gage	383-7556
[illegible]	1598 UPPER GAGE	575 3621
William Hutton	6 HOOKO CRT.	575-5520
[illegible]	46 [illegible]	[illegible]
[illegible]	[illegible]	[illegible]
Jenny [illegible]	10 HOOKO CRT	575-5016

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NAME	ADDRESS	PHONE
Marya Cahill	461 Eaglewood	575-7470
[illegible]	461 EAGLEWOOD	575-7470
[illegible]	411 Eaglewood	[illegible]
[illegible]	411 EAGLEWOOD	[illegible]
[illegible]	425 Eaglewood Dr.	575-3453
[illegible]	425 EAGLEWOOD DR	575-3453
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]

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NAME	ADDRESS	PHONE
B Gallacher	468 Eaglewood Dr	388-6739
J Gallacher	468 Eaglewood Dr	388-6739
Richard Core	464 Eaglewood Dr	575-8589
Sharon Core	464 Eaglewood Dr.	575-8589
Justin Pierce	465 Eaglewood Dr	
Richard Carey	449 Eaglewood Dr	387-5266
Vera Carey	449 Eaglewood Dr.	387-5266
Anna Di Cesare	6 Luoro Crt	575-5226
Tim Keyes	2 Luoro Crt	388-1180
	2 Luoro Ct.	388-1180
John Czupka	17 Luoro Ct.	575-8136
William Goddard	433 Eaglewood Dr.	389-9148
Robert Sim	413 EAGLEWOOD DR.	3875704
John Grady	405 EAGLEWOOD DR	387 2818
E Grady	405 Eaglewood Dr	387-2818
	10 Ricti Court.	388 8934

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NAME	ADDRESS	PHONE
Jennie Middleton	783 Rymal Rd E	383-4761
[illegible] Middleton	" "	"
E Mascoly	796 Rymal Rd E	388 0487
E. Spenuk	820 Rymal RE.	389-1760
Harold Johnson	472 Eaglewood Dr.	388-7319.
Tony Bozzo	457 Eaglewood Dr	575-7108
Yolanda Bozzo	457 Eaglewood Dr.	575-7108
D MacLean	10 Livorno Court.	388-9623
J. McDowell	5 LIVORNO CRT	385-4170
T Moriarty	11 Livorno	575-8729
Ed. Moriarty	11 Livorno	575-8729
H Deol	437 EAGLEWOOD DR	389-7475
A. Mark Berardo	429 EAGLEWOOD DR.	529-8824
[illegible]	409 Eaglewood Dr	Unlisted
Sue Lark	409 Eaglewood Dr.	unlisted
Lola Gladkie	6 Kiti Place	385 2505
Ed Mulkin	14 Kiti Place	383-0035

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NAME	ADDRESS	PHONE
Italo Romeodori	804 TEMPLEMEAD DR.	574 0386
Marg. Mallett	1592 Upper Gage	3899849
Linda Mallett	1592 Upper Gage	389-9849
Janet Stoker	1606 Upper Gage	389-5461
Jim Pare	1606 Upper Gage	3875461
P. Vyhn	1614 UPPER GAGE	387 3601
D Scott	1610 UPPER GAGE	575-8693
J Dunlop	837 Rymal Rd E.	388-3739
V Dunlop	837 RYMAL Rd E	388-3739
G Hyslop	819 RYMAL RD E	389 9549
D Hillier	813 Rymal Rd.	3876411
Mrs. Taggart	795 Rymal Rd. E.	383-5265
Mike Taggart	795 Rymal Rd E	3835265
P. Stanton	789 Rymal Rd.	393 8856.
D Stanton	789 Rymal Rd E	383 8856

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NAME	ADDRESS	PHONE
B Yesso	7 Goldengate	575-4365
J. Poyton	11 Goldengate	575-3963.
S. Poyton	11 Goldengate	575-3963
M. Finocchi	19 Goldengate	385-2834
Marg. Finocchi	19 Goldengate	385-2834
Luis. Garcia	23 GOLDENGATE AVE	387-6987
Dorothy Garcia	23 Goldengate ave.	387-6987
Janet Morgan	26 goldengate	388-9521
Rogers Morgan	26 goldengate Ave	388 9521
Randy Smith	27 Goldengate Ave	388 7352
Jennifer Smith	27 Goldengate Ave	388-7352
Vinu Mattina	808 Templemead Rd	389-3694
Genevieve Gigbin	820 TEMPLEMED RD	387-2859
[illegible]	812 TEMPLEMEAD DR.	574-0471
[illegible]	812 TEMPLEMEAD DR	574-0471
[illegible]	1 INGRID CR	387 1757
Mary Storozyk	1 INGRID CT	387-1757
Loreto Peole	849 TEMPLEMEAD DR	387-9898.

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NAME	ADDRESS	PHONE
B Fusco	7 Goldengate	575-4365
J. Payton	11 Goldengate	575-3963.
S. Payton	11 Goldengate	575-3963
M. Finocchi	19 Goldengate	385-2834
Marg. Finocchi	19 Goldengate	385-2834
Luis. Garcia	23 GOLDENGATE AVE	387-6987
Dorothy Garcia	23 Goldengate Ave.	387-6987
Janet Morgan	26 goldengate	388-9521
Rogers Morgan	26 goldengate Ave	388 9521
Randy Smith	27 Goldengate Ave	388 7352
Jennifer Smith	27 Goldengate Ave	388-7352
Vinu Mattina	808 Templemead Rd	389-3697
Genevieve Giglio	820 TEMPLEMEAD RD	387-2859
	812 TEMPLEMEAD DR.	574-0471
	812 TEMPLEMEAD DR	574-0471
	1 INGRID CR	387-1757
Mary Storozyc	1 INGRID CT	387-1757
Loreto Peole	849 TEMPLEMEAD DR	387-9898.

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25075	GREEN/VERT	BP2507
25077	TANGERINE	BA2507
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